

House Bill 1431 (COMMITTEE SUBSTITUTE)

By: Representatives Collins of the 27th, Harbin of the 118th, Keen of the 179th, Lindsey of the 54th, Rogers of the 26th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Titles 6, 12, 45, and 50 of the Official Code of Georgia Annotated, relating
2 respectively to aviation, conservation and natural resources, public officers and employees,
3 and state government, so as to provide for an extensive revision of the structure and functions
4 of certain executive branch agencies; to create the Georgia Services Administration as a
5 successor agency to the Department of Administrative Services; to abolish the State
6 Properties Commission and the State Personnel Administration and provide for the transfer
7 of the functions of those agencies to the Georgia Services Administration; to provide for
8 administrative assignment to the Georgia Services Administration for the Georgia Aviation
9 Authority, the State Accounting Office, the Office of Treasury and Fiscal Services, the
10 Georgia Building Authority, the Office of State Administrative Hearings, and the Georgia
11 Technology Authority; to amend numerous provisions of the Official Code of Georgia
12 Annotated so as to make conforming amendments and correct cross references; to repeal
13 specific laws; to provide for transition with respect to effectiveness of rules and regulations;
14 to provide for transfers of appropriations and personnel, facilities, and equipment; to provide
15 for other related matters; to provide an effective date; to repeal conflicting laws; and for other
16 purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I**SECTION 1-1.**

18 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
19 by revising Chapter 5, relating to the Department of Administrative Services, as follows:
20
21

"CHAPTER 5

ARTICLE 1

50-5-1.

There is created ~~a~~ the Georgia Services Administration which shall operate as provided in this chapter and as otherwise provided by law and shall be a successor agency to the Department of Administrative Services, the State Personnel Administration, and the State Properties Commission. The ~~department~~ head of the Georgia Services Administration is the commissioner. The commissioner shall be appointed by the Governor by and with the advice and consent of the Senate. The commissioner shall serve at the pleasure of the Governor and shall receive a salary to be set by the Governor. Personnel to assist the commissioner shall be employed as prescribed by the commissioner.

50-5-2.

As used in this chapter, the term:

(1) 'Commissioner' means the commissioner of the Georgia Services Administration.

(2) 'GSA' means the Georgia Services Administration.

~~50-5-2~~ 50-5-3 through 50-5-11.

Reserved.

50-5-12.

The ~~Department of Administrative Services~~ GSA shall formulate and initiate a sound program of self-insurance for workers' compensation benefits for all employees of the state, including employees of authorities. In formulating the self-insurance program, the ~~department~~ GSA is directed to establish a return to work program that promotes the return of an employee to employment by creating transitional employment prior to full recovery by providing temporary assignments for an employee that are meaningful and medically approved until the employee can return to his or her regularly assigned duties. If an agency or authority does not allow an employee to engage in transitional employment under the return to work program, the number of authorized positions in the budget for the agency or authority shall be decreased by the number of employees collecting workers' compensation not engaged in return to work employment for whom return to work plans have been developed.

52 50-5-13.

53 The ~~department~~ GSA shall determine the amount and extent of self-insurance which the
54 state can assume, the necessary reserves needed, the premiums to be charged and any
55 deductibles to be paid by agencies and authorities, the amount of benefits to be paid within
56 the scope of the workers' compensation statutes, and type of addition or excess insurance
57 coverage that may be required. The ~~department~~ GSA is further authorized to establish
58 incentive programs including differential premium rates based on participation in loss
59 control programs established by the ~~department~~ GSA, increased or decreased deductibles
60 based on participation in loss control programs established by the ~~department~~ GSA, and the
61 imposition of fines and penalties. If any premiums, deductibles, fines, or penalties are
62 unpaid, the ~~department~~ GSA is authorized to deduct any unpaid amounts from the
63 nonpaying agency's or authority's continuation budget subject to the approval of the Office
64 of Planning and Budget and deposit those funds into the ~~workers' compensation trust fund~~
65 Workers' Compensation Trust Fund provided for in Code Section 50-5-14.

66 50-5-14.

67 In order to finance the continuing liability established with other agencies of state
68 government, the Workers' Compensation Trust Fund is authorized to retain all moneys paid
69 into the fund as premiums on policies of insurance and all moneys received as interest and
70 all moneys received from other sources as a reserve for the payment of such liability and
71 the expenses necessary to the proper conduct of such insurance program administered by
72 the fund. Any amounts held by the Workers' Compensation Trust Fund which are available
73 for investment shall be paid over to the Office of Treasury and Fiscal Services. The
74 director of the Office of Treasury and Fiscal Services shall deposit such funds in a trust
75 account for credit only to the Workers' Compensation Trust Fund. The director of the
76 Office of Treasury and Fiscal Services shall invest such funds subject to the limitations of
77 Code Section 50-5A-7 and Chapter 17 of this title. All income derived from such
78 investments shall accrue to the Workers' Compensation Trust Fund. When moneys are
79 paid over to the Office of Treasury and Fiscal Services, as provided in this Code section,
80 the commissioner shall submit an estimate of the date such funds shall no longer be
81 available for investment. ~~When the commissioner wishes~~ The commissioner is authorized
82 to withdraw funds from the trust account provided for in this Code section for payments
83 authorized by this Code section, he or she shall submit a upon request for such withdrawal,
84 in writing, to the director of the Office of Treasury and Fiscal Services.

50-5-15.

Any other provision of this chapter notwithstanding, the ~~Department of Administrative Services~~ GSA is authorized to provide any administrative service which it normally provides to the various departments, agencies, and institutions of the state under the authority of this chapter to any local political subdivision within the state. The provision of one or more such administrative services to any or all political subdivisions shall be at the sole discretion of the commissioner ~~of administrative services~~ and such services shall only be rendered after a request for such services from the governing body of the local political subdivision.

50-5-16.

(a) The commissioner ~~of administrative services~~ may establish a program of liability insurance and self-insurance for state authorities.

(b) State funds may be appropriated for the program, but the commissioner shall charge such premiums, deductibles, and other payments as the commissioner determines necessary or useful. The commissioner is further authorized to establish incentive programs including differential premium rates based on participation in loss control programs established by the ~~department~~ GSA, increased or decreased deductibles based on participation in loss control programs established by the ~~department~~ GSA, and the imposition of fines and penalties. If any premiums, deductibles, fines, or penalties are unpaid, the ~~department~~ GSA is authorized to deduct any unpaid amounts from the nonpaying agency's or authority's continuation budget subject to the approval of the Office of Planning and Budget and deposit those funds into the reserve fund provided for in this Code section. From the funds available to the commissioner, the commissioner shall establish such reserves as the commissioner determines necessary, purchase commercial policies, employ consultants, and otherwise administer the program. Any amounts held by the liability insurance or self-insurance funds which are available for investment shall be paid over to the Office of Treasury and Fiscal Services. The director of the Office of Treasury and Fiscal Services shall deposit such funds in trust accounts for credit only to the liability insurance and self-insurance funds. The director of the Office of Treasury and Fiscal Services shall invest the liability insurance and self-insurance funds subject to the limitations of Code Section 50-5A-7 and Chapter 17 of this title. All income derived from such investments shall accrue to the liability insurance and self-insurance funds. When moneys are paid over to the Office of Treasury and Fiscal Services, as provided in this Code section, the commissioner shall submit an estimate of the date such funds shall no longer be available for investment. When the commissioner wishes to withdraw funds from the trust account provided for in this Code section, he or she shall submit a request

for such withdrawal, in writing, to the director of the Office of Treasury and Fiscal Services.

(c) The commissioner may generally provide for insurance or self-insurance under such terms and conditions as he or she determines, and ~~he~~ the commissioner may provide for particular coverages and other terms and conditions of the unique exposures particular to one or more authorities. The commissioner may provide for endorsements for contract liability and, where necessary or convenient to the public functions of an authority, he or she may also provide for additional insureds.

(d) Where existing programs of insurance and self-insurance have been established among state authorities by contract, the commissioner may arrange with such authorities to replace the existing programs with such programs as ~~he~~ the commissioner may establish. In doing so ~~he~~ the commissioner may assume existing and potential liabilities of the established programs. To the extent that funds of the existing programs are not necessary for such purposes, the commissioner may agree to the refund of such funds.

(e) Nothing in this Code section or in any related act of the commissioner or the participating authorities shall be construed as waiving any immunity or privilege of any kind now or hereafter enjoyed by the state or the state authorities, including without limitation defenses under the Eleventh Amendment of the Constitution of the United States, sovereign immunity, or any other legal or factual defense, privilege, or immunity which the state or a participating authority may enjoy or assert. The intent of this authorization is to provide for protection only in the absence of such defenses.

(f) Similarly, nothing in this Code section or in any related act of the commissioner or participating authorities shall pledge or be deemed to pledge the credit of the state. No obligation shall arise beyond the limits of liability established by the commissioner or beyond such other terms and conditions as he or she may establish, and no obligation shall be imposed or created upon other funds of the state or upon other funds of the participating authorities.

(g) Nothing in the program of insurance or self-insurance shall cause one authority to be liable for claims of another or otherwise expose the assets of one authority to claims of liability respecting another authority.

50-5-17.

The ~~Department of Administrative Services~~ GSA is authorized to retain in a reserve fund moneys generated from the sale of any surplus personal property pursuant to Article 4 of this chapter. Such funds may be used to cover any cost associated with disposing of the state's surplus personal property or such funds may, subject to the approval of the Office of Planning and Budget, be used to purchase personal property for the ~~Department of~~

~~Administrative Services~~ GSA or for any offices, agencies, departments, boards, bureaus, commissions, institutions, authorities, or other entities of the state government.

ARTICLE 2

Reserved.

ARTICLE 3

Part 1

50-5-50.

The underlying purposes and policies of this part are:

- (1) To permit the continued development of centralized procurement policies and practices;
- (2) To control and reduce the cost of purchasing, leasing, renting, or otherwise procuring supplies, materials, services, and equipment through the use of centralized purchasing;
- (3) To ensure openness and accessibility by all qualified vendors to the state's purchasing processes so as to achieve the lowest possible costs to the state through effective competition among such vendors;
- (4) To provide for timely, effective, and efficient service to using agencies and to vendors doing business with the state;
- (5) To ensure the fair and equitable treatment of all persons who deal with the procurement system of the state;
- (6) To provide for increased public confidence in the procedures followed in public procurement; and
- (7) To provide safeguards for the maintenance of a procurement system of quality and integrity.

50-5-51.

~~The Department of Administrative Services~~ GSA shall have the power and authority and ~~it shall be the department's~~ duty, subject to this part:

- (1) To canvass all sources of supply and to contract for the lease, rental, purchase, or other acquisition of all supplies, materials, equipment, and services, including ~~other than~~ professional and personal employment services, required by the state government or any of its offices, agencies, departments, boards, bureaus, commissions, institutions, or other entities of this state under competitive bidding in the manner and subject to the conditions provided for in this article;

(2) To establish and enforce standard specifications which shall apply to all supplies, materials, equipment, and services, including ~~other than~~ professional and personal employment services, purchased or to be purchased for the use of the state government for any of its offices, agencies, departments, boards, bureaus, commissions, institutions, or other entities of the state;

(3) To contract for all electric light power, postal, and any and all other contractual purchases and needs of the state government or any of its offices, agencies, departments, boards, bureaus, commissions, institutions, or other entities of the state or in lieu of such contract to authorize any offices, agencies, departments, boards, bureaus, commissions, institutions, or other entities of the state to purchase or contract for any or all such services;

(4) To have general supervision of all storerooms and stores operated by the state government or any of its offices, agencies, departments, boards, bureaus, commissions, institutions, or other entities of the state; to provide for transfer or exchange to or between all state offices, agencies, departments, boards, bureaus, commissions, institutions, or other entities of the state or to sell all supplies, materials, and equipment which are surplus, obsolete, or unused; and to maintain inventories of all fixed property and of all movable equipment, supplies, and materials belonging to the state government or any of its offices, agencies, departments, boards, bureaus, commissions, institutions, or other entities of the state;

(5) To make provision for and to contract for all state printing, including all printing, binding, paper stock, and supplies or materials in connection with the same, except as provided in this part. For the purpose of obtaining bids on printing, it shall have the power to divide the printing into various classes and to provide stipulations and specifications therefor and advertise, receive bids, and contract separately for the various classes;

(6) To procure all fidelity bonds covering state officials and employees required by law or administrative directive to give such bonds; and, in order to provide the bonds at a minimum expense to the state, the bonds may be procured under a master policy or policies providing insurance agreements on a group or blanket coverage basis with or without deductibles or excess coverage over the state's retention as determined by the commissioner. Fidelity bonds covering state officials and employees which are procured pursuant to this paragraph shall expressly provide that all state officials and employees who are required by law to be bonded be named in the fidelity bond as insureds or beneficiaries under the terms of the fidelity bond. Inclusion of any state official, officer, or employee required by law or administrative directive to be specifically bonded in a master fidelity bond under the terms of this part shall satisfy any statutory requirement

that the official, officer, or employee be bonded. Fidelity bonds procured pursuant to this paragraph shall also expressly provide for indemnification, out of the proceeds of the fidelity bonds, of all state officials and employees for any liability or expense of any nature resulting from a claim on the state official's or employee's bonds which is due to or as a result of an act of a subordinate of the state official or employee. In order to finance the continuing liability established with other agencies of state government, the commissioner is authorized to retain all moneys paid to the department as premiums on policies of insurance, all moneys received as interest, and all moneys received from other sources to set up and maintain a reserve for the payment of such liability and the expenses necessary to administer properly the insurance program. The commissioner is further authorized to establish incentive programs including differential premium rates based on participation in loss control programs established by the ~~department~~ GSA, increased or decreased deductibles based on participation in loss control programs established by the ~~department~~ GSA, and the imposition of fines and penalties. If any premiums, deductibles, fines, or penalties are unpaid, the ~~department~~ GSA is authorized to deduct any unpaid amounts from the nonpaying agency's or authority's continuation budget subject to the approval of the Office of Planning and Budget and deposit those funds into the reserve fund provided for in this Code section. The commissioner shall invest the moneys in the same manner as other such moneys in his or her possession;

(7) To establish and operate the state agency for surplus property for the purpose of distributing surplus properties made available by the federal government under Pub. L. 152, 81st Congress, as amended, to institutions, organizations, agencies, and others as may be eligible to receive such surplus properties pursuant to applicable provisions of federal law. The commissioner may enter into or authorize the aforesaid state agency for surplus property to enter into cooperative agreements with the federal government for the use of surplus properties by the state agency. The commissioner is authorized to enter into contracts with other state, local, or federal agencies, or with other persons with respect to the construction, operation, maintenance, leasing, or rental of a facility for use by the state agency. Further, the commissioner may acquire real or personal property for such purposes;

(8) To delegate, in the ~~department's~~ GSA's discretion, to medical facilities under the jurisdiction of the Board of Regents for the University System of Georgia the ability to purchase medical equipment and medical supplies necessary for medical teaching purposes;

(9) To enter into or authorize agreements with private nonprofit organizations or other states and their political subdivisions to effectuate the purposes and policies of this chapter;

(10) To collect, retain, and carry over from year to year in a reserve fund any moneys, rebates, or commissions payable to the state that are generated by supply contracts established pursuant to Code Section 50-5-57; and

(11) To conduct the procurement of all technology resource purchases not exempted from competitive bidding requirements in accordance with the technology standards and specifications established by the Georgia Technology Authority.

50-5-51.1.

~~The commissioner of administrative services~~ GSA may, upon request, assist and coordinate with county departments of health, county departments of family and children services, and community service boards on the purchase of commercial fidelity bonds for officials, officers, and employees of such boards and departments. The payment of the premium to the commercial fidelity carrier ~~will~~ shall be the responsibility of such county departments of health, county departments of family and children services, and community service boards.

50-5-52.

~~The Department of Administrative Services or the state accounting officer~~ GSA shall have power to examine books, records, and papers of any office, agency, department, board, bureau, commission, institution, or other entity of the state government relative to purchases and to require those in control thereof to furnish the ~~department~~ GSA with copies of any and all records pertaining thereto.

50-5-53.

Reserved. ~~Subject to applicable rules of the State Personnel Administration, the Department of Administrative Services may appoint as many assistants and employees, and fix their salaries, as are essential to the state's interest in the execution of the terms and provisions of this part. Assignment of an assistant or assistants to any of the departments, institutions, or agencies of the state may be made by the Department of Administrative Services. It shall be unlawful for any other agency of the state to employ any person for the purposes set out in this part unless that person complies with the minimum requirements for purchasing personnel established by the State Personnel Administration in conjunction with the Department of Administrative Services.~~

50-5-54.

~~The commissioner of administrative services~~ is authorized and empowered by this part to make all rules, regulations, and stipulations and to provide specifications to carry out the

terms and provisions of this part as may be necessary for the purposes of this part. The rules and regulations as prescribed by the commissioner shall be published and made available either electronically or in pamphlet form ~~and all the departments of the state government shall be furnished with copies of the same.~~

50-5-55.

The commissioner of ~~administrative services~~ may adopt, modify, or abrogate rules and regulations covering the following purposes, in addition to those authorized elsewhere in this part:

- (1) Requiring monthly reports by state departments, institutions, or agencies of stocks, supplies, materials, and equipment on hand and prescribing the form of such reports;
- (2) Prescribing the manner in which supplies, materials, and equipment shall be delivered, stored, and distributed;
- (3) Prescribing the manner of inspecting deliveries of supplies, material, and equipment and making chemical or physical tests of samples submitted with bids and samples of deliveries to determine whether deliveries have been made to the departments, institutions, or agencies in compliance with specifications;
- (4) Prescribing the manner in which purchases shall be made ~~by the Department of Administrative Services~~ in all emergencies as defined in Code Section 50-5-71; and
- (5) Providing for such other matters as may be necessary to give effect to the foregoing rules and the provisions of this part.

50-5-56.

It shall be the duty of the ~~Department of Administrative Services~~ GSA to formulate, adopt, establish, and modify standard specifications applying to state contracts. In the formulation, adoption, and modification of any standard specifications, the ~~Department of Administrative Services~~ GSA shall seek the advice, assistance, and cooperation of any state department, institution, or agency to ascertain its precise requirements in any given commodity. Each specification adopted for any commodity shall insofar as possible satisfy the requirements of a majority of the state departments, institutions, or agencies which use the same in common. After its adoption each standard specification shall until revised or rescinded apply alike in terms and effect to every state purchase of the commodity described in such specifications. In the preparation of any standard specifications, the ~~Department of Administrative Services~~ GSA shall have power to make use of any state laboratory for chemical and physical tests in the determination of quality.

50-5-57.

The ~~Department of Administrative Services~~ GSA shall have the power and authority and it shall be the department's duty, subject to this part, to contract for the purchase, lease, or other mode of acquisition of all supplies, materials, services, including ~~other than~~ professional and personal employment services, and equipment required by the state. After sources of supply have been established by contract under competitive bidding and certified by the ~~Department of Administrative Services~~ GSA to the different departments, institutions, and agencies of the state as provided for in this part, the institutions, agencies, or departments of the state shall make requisition on blanks to be approved by the ~~Department of Administrative Services~~ GSA for such supplies, materials, and equipment required by them from the supply so certified and, except as otherwise provided for or unless the departments, institutions, and agencies of the state obtain written authority from the ~~Department of Administrative Services~~ GSA to do so, it shall be unlawful for any of them to purchase any supplies, materials, or equipment from sources other than as certified to them by the ~~Department of Administrative Services~~ GSA. One copy of the requisition shall be sent to the ~~Department of Administrative Services~~ GSA when the same is issued.

50-5-58.

(a) Unless otherwise ordered by the ~~Department of Administrative Services~~ GSA, the purchase of supplies, materials, equipment, and services, ~~other than~~ including professional and personal employment services, through the ~~Department of Administrative Services~~ GSA shall not be mandatory in the following cases:

(1) Technical instruments and supplies and technical books and other printed matter on technical subjects; ~~also~~ manuscripts, maps, books, pamphlets, and periodicals for the use of any library in the state supported by state funds; ~~also~~ and services;

(2) Livestock for slaughter and perishable articles such as fresh vegetables, fresh meat, fish and oysters, butter, eggs, poultry, and milk. No other article shall be considered perishable within the meaning of this ~~clause~~ paragraph unless so classified by the ~~Department of Administrative Services~~ GSA; and

(3) Emergency supplies of drugs, chemicals and sundries, dental supplies, and equipment.

(b) In the purchasing of emergency supplies under paragraph (3) of subsection (a) of this Code section, it shall be the duty of the department making such purchases to report the same to the ~~Department of Administrative Services~~ GSA, giving the circumstances necessitating the purchases.

(c) Nothing in this part shall be construed to give the ~~Department of Administrative Services~~ GSA any supervision over the selection or purchase of school textbooks, which is vested by law in the Department of Education.

50-5-59.

It shall be the duty of all departments, institutions, or agencies of the state government to furnish to the ~~Department of Administrative Services~~ GSA when requested and on blanks to be approved by it tabulated estimates of all supplies, materials, and equipment needed and required by the department, institution, or agency for such periods in advance as may be directed by the ~~Department of Administrative Services~~ GSA; and it shall further be the duty of all departments, institutions, or agencies to furnish the ~~Department of Administrative Services~~ GSA inventories from time to time of supplies, materials, or equipment on hand when requested by the ~~Department of Administrative Services~~ GSA.

50-5-60.

(a) The state and any department, agency, or commission thereof, when contracting for or purchasing supplies, materials, equipment, or agricultural products, excluding beverages for immediate consumption, shall give preference as far as may be reasonable and practicable to such supplies, materials, equipment, and agricultural products as may be manufactured or produced in this state. Such preference shall not sacrifice quality.

(b) Vendors resident in the State of Georgia are to be granted the same preference over vendors resident in another state in the same manner, on the same basis, and to the same extent that preference is granted in awarding bids for the same goods or services by such other state to vendors resident therein over vendors resident in the State of Georgia.

(c) In determining whether such a preference is reasonable in any case where the value of a contract for or purchase of such supplies, materials, equipment, or agricultural products exceeds \$100,000.00, the state or its department, agency, or commission shall consider, among other factors, information submitted by the bidder which may include the bidder's estimate of the multiplier effect on gross state domestic product and the effect on public revenues of the state and the effect on public revenues of political subdivisions resulting from acceptance of a bid or offer to sell Georgia manufactured or produced goods as opposed to out-of-state manufactured or produced goods. Any such estimates shall be in writing. The state or its department, agency, or commission shall not divide a contract or purchase which exceeds \$100,000.00 for the purpose of avoiding the requirements of this subsection.

(d) Nothing in this Code section shall negate the requirements of Code Section 50-5-73.

397 50-5-60.1.

398 Reserved.

399 50-5-60.2.

400 (a) As used in this Code section, the term:

401 (1) 'Mill broke' means any paper waste generated in a paper mill prior to the completion
402 of the paper-making process up to and including the cutting and trimming of the paper
403 machine reel into small rolls or rough sheets.

404 (2) 'Printing and writing paper' means high-grade office paper including but not limited
405 to copier paper, bond paper, forms, stationery, envelopes, text and cover stock, as well
406 as offset printing paper.

407 (3) 'Recycled content paper' means any paper having recycled fiber content.

408 (4) 'Recycled fiber content' means those materials and by-products that have been
409 recovered or diverted from the solid waste stream. Such term does not include sawdust,
410 wood chips, wood slabs, or the virgin content of mill broke.

411 (b) At least 95 percent of moneys spent on printing and writing paper purchased by state
412 agencies, commissions, and authorities shall be spent upon recycled content paper which
413 meets or exceeds Environmental Protection Agency guidelines for minimum recycled
414 content; provided, however, the provisions of this subsection shall not apply if the price of
415 recycled content paper required by this Code section exceeds 8 percent of the price paid
416 by the ~~Department of Administrative Services~~ GSA for 100 percent virgin paper products
417 or if the recycled content paper required by this Code section does not meet the standards,
418 quality level, and specifications established by the ~~Department of Administrative Services~~
419 GSA.

420 (c) It shall be the responsibility of each agency, commission, and authority to monitor,
421 document, and report its use of recycled content paper. Any state agency, institution,
422 commission, and authority that documents and reports attainment of the 95 percent
423 requirement set forth in subsection (b) of this Code section for two consecutive fiscal years
424 shall still be required to monitor and document its use of recycled content paper but shall
425 no longer be required to submit a report upon written confirmation from the ~~Department~~
426 ~~of Administrative Services~~ GSA that the 95 percent requirement set forth in subsection (b)
427 of this Code section has been satisfied for two consecutive fiscal years by that particular
428 agency, commission, institution, or authority; provided, however, that the ~~Department of~~
429 ~~Administrative Services~~ GSA shall conduct periodic audits, and any state agency,
430 institution, commission, and authority exempted from the reporting requirement pursuant
431 to this subsection that is not satisfying the 95 percent requirement set forth in subsection
432 (b) of this Code section may be directed by the ~~Department of Administrative Services~~

GSA to resume reporting until reattainment of the 95 percent requirement set forth in subsection (b) of this Code section is confirmed for two additional consecutive fiscal years.

(d) ~~The Department of Administrative Services~~ GSA shall maintain and continue to develop and implement reporting procedures and educational programs to assist agencies, commissions, institutions, and authorities in meeting the requirements of this Code section to maximize both purchasing power and the use of recycled products by each such agency, commission, institution, and authority.

50-5-60.3.

All state agencies, departments, and authorities shall replace original truck tires of over 16 inch rim size used on nonsteering axles with retreaded tires or subscribe to a retread service as replacement is necessary and as stockpiled tires are depleted; provided, however, that nothing in this Code section shall be construed so as to discourage the use of retreaded tires on other size rims or other types of vehicles if an agency, department, or authority deems such use to be economical, feasible, and desirable.

50-5-60.4.

(a) All state agencies, departments, and authorities responsible for the maintenance of public lands shall give preference to the use of compost and mulch in all road building, land maintenance, and land development activities. Preference shall be given to compost and mulch made in the State of Georgia from organics which are source separated from the state's nonhazardous solid waste stream.

(b) The Department of Agriculture shall develop and publish standards for the compost and mulch required by subsection (a) of this Code section by January 1, 1994.

50-5-60.5.

In addition to recycling, each state agency, department, and authority shall take action to implement policies which require reduction and reuse of materials generated by state agencies. These policies shall include, but not be limited to, double-sided printing and copying, refilling and reusing laser printer cartridges, the purchase of source reduced products, and where feasible discontinuing the use of 8 1/2" x 14" paper. Replacement copier machines should include double-sided copying capability and shall be compatible with the use of paper containing recycled content.

50-5-61.

(a) State and local authorities created by law, in the purchase of and contracting for any supplies, materials, equipment, and agricultural products, excluding beverages for

immediate consumption, shall give preference as far as may be reasonable and practicable to such supplies, materials, equipment, and agricultural products as may be manufactured or produced in this state. Such preference shall not sacrifice quality.

(b) In determining whether such a preference is reasonable in any case where the value of a contract for or purchase of such supplies, materials, equipment, or agricultural products exceeds \$100,000.00, the state or local authority shall consider, among other factors, information submitted by the bidder which may include the bidder's estimate of the multiplier effect on gross state domestic product and the effect on public revenues of the state and the effect on public revenues of political subdivisions resulting from acceptance of a bid or offer to sell Georgia manufactured or produced goods as opposed to out-of-state manufactured or produced goods. Any such estimates shall be in writing. No state or local authority shall divide a contract or purchase which exceeds \$100,000.00 for the purpose of avoiding the requirements of this subsection.

(c) Nothing in this Code section shall negate the requirements of Code Section 50-5-73.

50-5-62.

Reserved.

50-5-63.

(a) No contract for the construction of, addition to, or repair of any facility, the cost of which is borne by the state or any department, agency, commission, authority, or political subdivision thereof, shall be let unless the contract contains a stipulation therein providing that the contractor or any subcontractor shall use exclusively Georgia forest products in the construction thereof, when forest products are to be used in such construction, addition, or repair, and if Georgia forest products are available.

(b) This Code section shall not apply when in conflict with federal rules and regulations concerning construction.

50-5-64.

(a) The ~~Department of Administrative Services~~ GSA shall be authorized to execute on behalf of all state agencies subject to this part multiyear lease, purchase, or ~~lease purchase~~ lease-purchase contracts of all kinds for the acquisition of goods, materials, services, and supplies, provided that any such contract shall be executed only on a standard form developed by the ~~department~~ GSA for such use; and provided, further, that the standard form contract shall contain provisions for the following:

(1) The contract shall terminate absolutely and without further obligation on the part of the user agency or the ~~department~~ GSA at the close of the fiscal year in which it was

executed and at the close of each succeeding fiscal year for which it may be renewed as provided in this Code section;

(2) The contract may be renewed only by a positive action taken by the user agency or by the ~~department~~ GSA on behalf of the user agency, and the nature of such action shall be determined by the ~~department~~ GSA and specified in its standard contract;

(3) The contract shall terminate immediately and absolutely at such time as appropriated and otherwise unobligated funds are no longer available to satisfy the obligations of the user agency under the contract. The determination of the occurrence of such unavailability of funds shall be made by the user agency in its sole discretion and shall be conclusive;

(4) The contract shall state the total obligation of the user agency for the fiscal year of execution and shall further state the total obligation which will be incurred in each fiscal year renewal term, if renewed; and

(5) The contract shall provide that title to any supplies, materials, or equipment shall remain in the vendor until fully paid for by the user agency.

(b) Any standard contract developed ~~hereunder~~ pursuant to this Code section containing the provisions enumerated in subsection (a) of this Code section shall be deemed to obligate the user agency only for those sums payable during the fiscal year of execution or, in the event of a renewal by the user agency, for those sums payable in the individual fiscal year renewal term.

(c) No contract developed and executed pursuant to this Code section shall be deemed to create a debt of the state for the payment of any sum beyond the fiscal year of execution or, in the event of a renewal, beyond the fiscal year of such renewal.

(d) Any such contract may provide for the payment by the user agency of interest or the allocation of a portion of the contract payment to interest, provided that the contract is in compliance with this Code section.

50-5-65.

(a) The ~~Department of Administrative Services~~ GSA is authorized to make transfers of title to personal property titled in the name of any department, agency, or institution of the state to private individuals, corporations, or firms for the purpose of effectuating lease purchases of such property between the owning department, agency, or institution and the private individuals, corporations, or firms. Transfers of title shall be made only in conjunction with the execution of a ~~lease-purchase~~ lease-purchase agreement between an agency, department, or institution of the state and the transferee acquiring title; and the agreement shall be consummated on the standard agreement form developed pursuant to Code Section 50-5-64.

(b) The departments, agencies, and institutions of the state are authorized to accept the title to property, subject to a contract for lease purchase or installment purchase, upon execution of the aforementioned standard agreement by the ~~Department of Administrative Services~~ GSA; and the ~~department~~ GSA is authorized to transfer title back to the vendor in the name of the department, agency, or institution in the event that the agreement is not fully consummated.

50-5-66.

The ~~Department of Administrative Services~~ GSA shall compile and consolidate all estimates of supplies, materials, and equipment needed and required by all state departments, institutions, and agencies to determine the total requirements of any given commodity.

50-5-67.

(a) Except as otherwise provided in this Code section, contracts exceeding \$100,000.00 shall be awarded by competitive sealed bidding. If the total requirement of any given commodity will involve an expenditure in excess of \$250,000.00, sealed bids shall be solicited by advertisement in the Georgia Procurement Registry established under subsection (b) of Code Section 50-5-69 and in addition may be solicited by advertisement in a newspaper of state-wide circulation at least once and at least 15 calendar days, except for construction projects which shall have 30 calendar days allowed, prior to the date fixed for opening of the bids and awarding of the contract. Other methods of advertisement, however, may be adopted by the ~~Department of Administrative Services~~ GSA when such other methods are deemed more advantageous for the particular item to be purchased. In any event, it shall be the duty of the ~~Department of Administrative Services~~ GSA to solicit sealed bids from reputable owners of supplies in all cases where the total requirement will exceed \$100,000.00. When it appears that the use of competitive sealed bidding is either not justified or not advantageous to the state, a contract may be entered into by competitive sealed proposals, subject to the following conditions:

- (1) This method of solicitation shall only be used after a written determination by the ~~Department of Administrative Services~~ GSA that the use of competitive sealed bidding is not justified or is not advantageous to the state;
- (2) Proposals shall be solicited through a request for proposals;
- (3) Adequate public notice of the request for proposals shall be given in the same manner as provided for competitive sealed bidding;
- (4) A register of proposals shall be prepared and made available for public inspection;

(5) The request for proposals shall state the relative importance of price and other evaluation factors;

(6) As provided in the request for proposals and under regulations to be developed by the ~~Department of Administrative Services~~ GSA, discussions may be conducted with qualified offerors who submit proposals determined to be reasonably susceptible of being selected for award, for the purpose of clarification to assure full understanding of and responsiveness to the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and clarification of proposals. After such clarifications, revisions may be permitted to technical proposals and price proposals prior to award for the purpose of obtaining best and final offers. The ~~Department of Administrative Services~~ GSA is authorized to solicit multiple revisions to price proposals for the purpose of obtaining the most advantageous proposal to the state. In conducting discussions or soliciting any revisions, there shall be no disclosure of any information contained in proposals submitted by competing offerors. However, this prohibition on disclosure of information shall not prohibit the ~~Department of Administrative Services~~ GSA from disclosing to competing offerors any preliminary rankings and scores of competing offerors' proposals during the course of any negotiations or revisions of proposals other than with respect to the procurement of construction contracts; and

(7) The award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the state, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made.

(b) Except as otherwise provided for in this part, all contracts for the purchases of supplies, materials, equipment, or services ~~other than professional and personal employment services~~ made under this part shall, wherever possible, be based upon competitive bids and shall be awarded to the lowest responsible bidder, taking into consideration the quality of the articles to be supplied and conformity with the specifications which have been established and prescribed, the purposes for which the articles are required, the discount allowed for prompt payment, the transportation charges, and the date or dates of delivery specified in the bid and any other cost affecting the total cost of ownership during the life cycle of the supplies, materials, equipment, or services as specified in the solicitation document. Competitive bids on such contracts shall be received in accordance with rules and regulations to be adopted by the commissioner ~~of administrative services~~, which ~~rules and regulations~~ shall prescribe, among other things, the manner, time, and places for proper advertisement for the bids, indicating the time and place when the bids will be received;

the article for which the bid shall be submitted and the specification prescribed for the article; the amount or number of the articles desired and for which the bids are to be made; and the amount, if any, of bonds or certified checks to accompany the bids. Any and all bids so received may be rejected.

(c)(1)(A) When bids received pursuant to this part are unreasonable or unacceptable as to terms and conditions, are noncompetitive, or the lowest responsible bid exceeds available funds and it is determined in writing by the ~~Department of Administrative Services~~ GSA that time or other circumstances will not permit or justify the delay required to resolicit competitive bids, a contract may be negotiated pursuant to this Code section, provided that each responsible bidder who submitted such a bid under the original solicitation is notified of the determination and is given a reasonable opportunity to negotiate. In cases where the bids received are noncompetitive or the lowest responsible bid exceeds available funds, the negotiated price shall be lower than the lowest rejected bid of any responsible bidder under the original solicitation.

(B) ~~With respect to procurement for construction contracts, if~~ If the bid from the lowest responsible and responsive bidder on a construction contract exceeds the funds budgeted for the contract, a contract may be negotiated with such apparent low bidder to obtain a contract price within the budgeted amount. Such negotiations may include changes in the scope of work and other bid requirements.

(2) When proposals received pursuant to this part are unreasonable or unacceptable as to terms and conditions, are noncompetitive, or the lowest responsible proposal exceeds available funds and it is determined in writing by the ~~Department of Administrative Services~~ GSA that time or other circumstances will not permit or justify the delay required to resolicit competitive proposals, a contract may be negotiated pursuant to this Code section, provided that each responsible offeror who submitted such a proposal under the original solicitation is notified of the determination and is given a reasonable opportunity to negotiate. In cases where the proposals received are noncompetitive or the lowest responsible proposal exceeds available funds, any contract award made pursuant to this paragraph shall be made to the offeror whose negotiated proposal is most advantageous to the state according to the evaluation criteria in the request for proposals rather than to the offeror whose negotiated proposal offers the lowest price, provided that the negotiated price of the most advantageous proposal is lower than the price of the rejected responsible proposal with the lowest price under the original solicitation.

(d)(1) Except as otherwise provided for in this part, the ~~Department of Administrative Services~~ GSA shall publish, prior to award or letting of the contracts, notice of its intent to award a contract to the successful bidder or offeror on public display in a conspicuous place in the ~~department's~~ GSA's office, on the Georgia Procurement Registry, or both so

that it may be easily seen by the public. The public notice on public display shall also state the price or the amount for which the contract may be awarded, the commodities or services to be covered by the contract which may be awarded, and the names of all persons whose bids, offers, or proposals were rejected by the ~~department~~ GSA, together with a statement giving the reasons for the rejection.

(2) Every bid or proposal conforming to the terms of the advertisement provided for in this Code section, together with the name of the bidder, shall be recorded, and all such records with the name of the successful bidder or offeror indicated thereon shall, within one day after the issuance of the ~~department's~~ public notice of intent to award to the successful bidder or offeror, be subject to public inspection upon request.

(3) The ~~Department of Administrative Services~~ GSA shall also, within one day after the award or letting of the contract, publish the name of the successful bidder or offeror on public display in a conspicuous place in the ~~department's~~ GSA's office or on the Georgia Procurement Registry so that it may be easily seen by the public. The public notice on public display shall also show the price or the amount for which the contract was let and the commodities covered by the contract. The ~~Department of Administrative Services~~ GSA shall also, within one day after the award or letting of the contract, publish on public display the names of all persons whose bids, offers, or proposals were rejected by it, together with a statement giving the reasons for such rejection.

(4) The ~~Department of Administrative Services~~ GSA shall canvass the bids, offers, or proposals and award the contract according to the terms of this part. The ~~Department of Administrative Services~~ GSA shall prepare a register of bids, offers, or proposals which will become available for public inspection upon request within one day after the issuance of the ~~department's~~ public notice of intent to award to the successful bidder or offeror. The bids, offers, or proposals shall not be subject to public disclosure until after the issuance of the public notice of intent to award a contract to the successful bidder or offeror except that audited financial statements not otherwise publicly available but required to be submitted in the bid, offer, or proposal shall not be subject to public disclosure.

(5) Records related to the competitive bidding and proposal process which, if disclosed prior to the issuance of the public notice of intent to award would undermine the public purpose of obtaining the best value for this state, shall not be subject to public disclosure until after the ~~department's~~ issuance of ~~its~~ the public notice of intent to award a contract to the successful bidder or offeror. Such records include but are not limited to cost estimates, bids, proposals, evaluation criteria, vendor evaluations, negotiation documents, offers and counter-offers, and records revealing preparation for the procurement.

(6) A proper bond for the faithful performance of any contract shall be required of the successful bidder or offeror in the discretion of the ~~Department of Administrative Services~~ GSA. After the contracts have been awarded, the ~~Department of Administrative Services~~ GSA shall certify to the offices, agencies, departments, boards, bureaus, commissions, institutions, or other entities of the state the sources of the supplies and the contract price of the various supplies, materials, services, and equipment so contracted for.

(e) On all bids or proposals received or solicited by the ~~Department of Administrative Services~~ GSA, by any office, agency, department, board, bureau, commission, institution, or other entity of the state, or by any person ~~in~~ on behalf of any office, agency, department, board, bureau, commission, institution, or other entity of the state except in cases provided for in Code Section 50-5-58, the following certificate of independent price determination shall be used:

'I certify that this bid, offer, or proposal is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a bid, offer, or proposal for the same materials, supplies, services, or equipment and is in all respects fair and without collusion or fraud. I understand collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards. I agree to abide by all conditions of this bid, offer, or proposal and certify that I am authorized to sign this bid, offer, or proposal for the bidder or offeror.'

(f) Notwithstanding any other provision of this article, the commissioner ~~of administrative services~~ is authorized to promulgate rules and regulations to govern auctions conducted by state agencies in which vendors' prices are made public during the bidding process to enable the state agency or agencies to seek a lower price. This auction bidding process will continue until the lowest price is obtained within the auction's time limit. This auction bidding process shall not be used to procure construction services or for any contract for goods or services valued at less than \$100,000.00.

(g) Any reference in this article to sealed bids or sealed proposals shall not preclude the ~~Department of Administrative Services~~ GSA from receiving bids and proposals by way of the Internet or other electronic means or authorizing state agencies from receiving bids and proposals by way of the Internet or other electronic means; provided, however, any bids or proposals received by any state agency by way of any electronic means must comply with security standards established by the Georgia Technology Authority.

50-5-68.

Prospective suppliers may be prequalified for particular types of supplies, services, goods, materials, and equipment at the discretion of the ~~Department of Administrative Services~~

GSA. Solicitation mailing lists of potential contractors shall include, but shall not be limited to, such prequalified suppliers. The award of contracts, however, may be conditioned upon prequalification.

50-5-69.

(a) If the needed supplies, materials, equipment, or service can reasonably be expected to be acquired for less than \$5,000.00 and is not available on state contracts or through statutorily required sources, the purchase may be effectuated without competitive bidding. The commissioner ~~of administrative services~~ may by rule and regulation authorize the various offices, agencies, departments, boards, bureaus, commissions, institutions, authorities, or other entities of the state to make purchases in their own behalf and may provide the circumstances and conditions under which such purchases may be effected. In order to assist and advise the commissioner ~~of administrative services~~ in making determinations to allow offices, agencies, departments, boards, bureaus, commissions, institutions, authorities, or other entities of the state to make purchases in their own behalf, there is created a Purchasing Advisory Council consisting of the executive director of the Georgia Technology Authority or his or her designee; the director of the Office of Planning and Budget or his or her designee; the chancellor of the University System of Georgia or his or her designee; the commissioner of technical and adult education or his or her designee; the commissioner of transportation or his or her designee; the Secretary of State or his or her designee; the commissioner of human services or his or her designee; the commissioner of community health or his or her designee; the state accounting officer; the state auditor; and one member to be appointed by the Governor. ~~The commissioner of administrative services shall promulgate the necessary rules and regulations governing meetings of such council and the method and manner in which such council will assist and advise the commissioner of administrative services.~~

(b) The ~~department~~ GSA shall establish a central bid registry to advertise the various procurement and bid opportunities of state government. Such central bid registry shall be entitled the Georgia Procurement Registry and shall operate in accordance with appropriate rules and regulations applicable to the ~~department's~~ GSA's responsibility to manage the state's procurement system. It shall be the responsibility of each agency, department, board, commission, authority, and council to report to the ~~department~~ GSA its bid opportunities in a manner prescribed by the ~~Department of Administrative Services~~ GSA. The commissioner ~~of administrative services~~ is authorized and directed to promulgate rules and regulations to carry out this responsibility and shall determine the most economical method to conduct public notification of such bid opportunities.

(c) The ~~Department of Administrative Services~~ GSA is authorized to permit departments, institutions, and agencies of state government to utilize a procurement card that will electronically pay and monitor payments by state institutions pursuant to subsection (a) of this Code section subject to approval of the state accounting officer and the State Depository Board pursuant to the State Depository Board's authority to prescribe cash management policies and procedures for state agencies under Code Section 50-17-51. All purchases made through procurement ~~card~~ cards shall be included on a monthly summary report to be prepared by each state department, institution, and agency in a form to be approved by the ~~Department of Administrative Services~~ GSA.

(d) The commissioner of ~~administrative services~~ shall promulgate rules and regulations necessary to carry out the intent of this Code section.

(e) Nothing in this Code section shall apply to or affect the laws, rules, and regulations governing emergency purchases.

50-5-70.

Boards of education of the various counties of this state may petition the ~~Department of Administrative Services~~ GSA to purchase their supplies, such as school buses, bus bodies, tires, parts, and other equipment under the rules set out in this part.

50-5-71.

In case of any emergency arising from any unforeseen causes, including delay by contractors, delay in transportation, breakdown in machinery, unanticipated volume of work, or upon the declaration of a state of emergency by the Governor, the ~~Department of Administrative Services~~ GSA or any other office, agency, department, board, bureau, commission, institution, or other entity of the state to which emergency purchasing powers have been granted by the ~~Department of Administrative Services~~ GSA shall have power to purchase in the open market any necessary supplies, materials, services, or equipment for immediate delivery to any office, agency, department, board, bureau, commission, institution, or other entity of the state. A report on the circumstances of the emergency and the transactions thereunder shall be duly recorded in a book or file to be kept by the ~~Department of Administrative Services~~ GSA.

50-5-72.

Notwithstanding any other provision of this part or any other law dealing with the subject matter contained in this Code section to the contrary, all construction or public works contracts, exceeding a total expenditure of \$100,000.00, of any department, board, bureau, commission, office, or agency of the state government, except as provided in this Code

section, shall be conducted and negotiated by the ~~Department of Administrative Services~~
GSA in accordance with this part; provided, however, that any expenditure of less than
\$100,000.00 shall still be subject to review and approval by the ~~Department of~~
~~Administrative Services~~ GSA, which may approve noncompetitive expenditures of up to
\$100,000.00. All advertising costs incurred in connection with such contracts shall be
borne by and paid from the funds appropriated to and available to the department, board,
bureau, commission, office, or agency of the state government for which the contract is
negotiated. The commissioner of ~~administrative services~~ is authorized and directed to
promulgate such rules and regulations as shall carry out the additional duties and
responsibilities placed upon the ~~department~~ GSA by this Code section. Nothing contained
in this Code section shall apply to or affect the Department of Transportation, the several
public authorities of this state, including the Stone Mountain Memorial Association and the
Board of Regents of the University System of Georgia, or the expenditure of money
credited to the account of this state in the Unemployment Trust Fund by the secretary of
the treasury of the United States pursuant to Section 903 of the Social Security Act and
appropriated as provided in Code Section 34-8-85. No contract in existence on March 18,
1964, shall be affected by this Code section and such contract may continue to be utilized.

50-5-73.

(a) All services provided or goods, wares, or merchandise produced wholly or in part by
the Georgia Correctional Industries Administration and needed by the departments,
institutions, and agencies of the state and its political subdivisions supported wholly or in
part by public funds shall be obtained from the Georgia Correctional Industries
Administration where such services, goods, wares, or merchandise have been certified in
writing by the commissioner of corrections as available and of competitive quality and
price. Where not certified as available from the Georgia Correctional Industries
Administration, services, goods, wares, or merchandise shall be obtained from other
agencies or activities of the state which are legally authorized to engage in the provision
of such and have certified the availability with the advice and consent of the ~~Department~~
~~of Administrative Services~~ GSA.

(b) The Georgia Correctional Industries Administration and the commissioner of
corrections shall report to the ~~Department of Administrative Services~~ GSA the certification
criteria, including but not limited to cost, delivery schedules, and availability within 15
days of notice of certification.

(c) The Georgia Correctional Industries Administration shall notify the ~~Department of~~
~~Administrative Services~~ GSA of any changes to certified products or services available
pursuant to this Code section within 15 days of any such changes.

821 50-5-74.

822 Reserved.

823 50-5-75.

824 The ~~Department of Administrative Services~~ GSA may rent or lease any warehouse space
825 necessary for a period not to exceed five years, provided the ~~Department of Administrative~~
826 ~~Services~~ GSA may construct any warehouse on state property only.

827 50-5-76.

828 (a) All cigarette tax stamps, loose or smokeless tobacco tax stamps, fertilizer tax tags, and
829 other stamps, tags, and paraphernalia evidencing the payment of tax collected by the state
830 or any department thereof shall be purchased by the ~~Department of Administrative Services~~
831 GSA subject to the requisition of any department of the state requiring the use of the tax
832 stamps or tags.

833 (b) Any department requiring tax stamps or stamps, tags, or paraphernalia from the
834 ~~Department of Administrative Services~~ GSA shall make a requisition therefor to the
835 ~~Department of Administrative Services~~ GSA upon forms prescribed by it, ~~which~~ and the
836 requisition shall be delivered to the state auditor for compilation and check. The tax
837 stamps, fertilizer tax tags, or other stamps, tags, or paraphernalia described in this part and
838 purchased by the ~~Department of Administrative Services~~ GSA shall be paid for by the
839 department for whose use they are purchased.

840 50-5-77.

841 (a) As used in this Code section, the term:

842 (1) 'Agency' means every state department, agency, board, bureau, and commission
843 including without limitation the Board of Regents of the University System of Georgia.

844 (2) 'Benefits based funding project' means any governmental improvement project in
845 which payments to vendors depend upon the realization of specified savings or revenue
846 gains attributable solely to the improvements, provided that each benefits based funding
847 project is structured as follows:

848 (A) The vendor promises, or accepts the condition, that the improvements will generate
849 actual and quantifiable savings or enhanced revenues;

850 (B) The agency develops a measurement tool for calculating the savings or enhanced
851 revenues realized from the project; and

852 (C) The funding for the project shall be attributable solely to its successful
853 implementation for the period specified in the contract.

(3) 'External oversight committee' means a committee composed of the ~~executive director of the Georgia Technology Authority, the commissioner of administrative services~~ the state accounting officer, the director of the Office of Planning and Budget, the state auditor, the Governor's designee, the chairperson of the House Committee on Appropriations, and the chairperson of the Senate ~~Finance~~ Appropriations Committee.

(4) 'Measurement tool' means the formula used to measure the actual savings or enhanced revenues and includes a means for distinguishing enhanced revenue or savings from normal activities, including the possibility of no savings or revenue growth or an increased expenditure or decline in revenue. Baseline parameters must be defined based on historical costs or revenues for a minimum of one year. The measurement tool shall use the baseline parameters to forecast savings or enhanced revenues and to determine the overall benefits and fiscal feasibility of the proposed project.

(5) 'Special dedicated fund' means any fund established pursuant to this Code section from which the vendor or vendors are compensated as part of a benefits based funding project. The moneys in the special dedicated fund shall be deemed contractually obligated and shall not lapse at the end of each fiscal year.

(b) An agency shall be authorized to enter into multiyear lease, purchase, or ~~lease purchase~~ lease-purchase contracts of all kinds for the acquisition of goods, materials, real or personal property, services, and supplies as benefits based funding projects; provided, however, that a condition precedent to the award of the contract is a competitive solicitation in compliance with any applicable purchasing laws now or hereafter enacted, including without limitation the provisions of this chapter and Chapter 25 of this title; and provided, further, that the contract shall contain provisions for the following:

(1) The contract shall terminate absolutely and without further obligation on the part of the agency at the close of the fiscal year in which it was executed and at the close of each succeeding fiscal year for which it may be renewed;

(2) The contract shall terminate absolutely and without further obligation on the part of the agency at such time as the agency determines that actual savings or incremental revenue gains are not being generated to satisfy the obligations under the contract;

(3) The contract may be renewed only by a positive action taken by the agency;

(4) The contract shall state the total obligation of the agency for repayment for the fiscal year of execution and shall state the total obligation for repayment which will be incurred in each fiscal year renewal term, if renewed;

(5) The term of the contract, including any renewal periods, may not exceed ten years; and

(6) The agency's financial obligations under the contract are limited to and cannot exceed the savings or incremental revenue gains, as calculated using the measurement tool,

891 actually generated by the benefits based funding project, even if no savings or enhanced
892 revenues are realized from the project.

893 (c) Any contract developed under this Code section containing the provisions enumerated
894 in subsection (b) of this Code section shall be deemed to obligate the agency only for those
895 sums payable during the fiscal year of execution or, in the event of a renewal by the
896 agency, for those sums payable in the individual fiscal year renewal term and only to the
897 extent that savings or enhanced revenues are attributable to the benefits based funding
898 project calculated using the measurement tool.

899 (d) No contract developed and executed pursuant to this Code section shall be deemed to
900 create a debt of the state for the payment of any sum beyond the fiscal year of execution
901 or, in the event of a renewal, beyond the fiscal year of such renewal.

902 (e) Any such contract may provide for the payment by the agency of interest or the
903 allocation of a portion of the contract payment to interest, provided that the contract is in
904 compliance with this Code section.

905 (f) During the term of the contract, including any renewal periods, the agency shall, using
906 the measurement tool, periodically calculate the total amount of the savings or enhanced
907 revenues attributable to the implementation of the benefits based funding project. To the
908 extent that savings or enhanced revenues are realized, the agency shall transfer from its
909 budget into the special dedicated fund an amount up to but not to exceed the amount owed
910 on the contract for the then current fiscal year term's obligation to provide for payments.

911 (g) During the term of the contract, including any renewal periods, the agency shall, using
912 the measurement tool, calculate the total amount of the savings or enhanced revenues
913 attributable to the implementation of the benefits based funding project during the then
914 current fiscal year at least 30 days prior to the end of the then current fiscal year. If the
915 agency renews the contract and to the extent that savings or enhanced revenues are realized
916 in excess of the amount due on the contract in the then current fiscal year term, the agency
917 shall transfer prior to the end of the then current fiscal year from its budget into the special
918 dedicated fund an amount up to but not to exceed the next fiscal year's obligation to
919 provide for future payments.

920 (h) Promptly upon nonrenewal, termination, or expiration of the contract, any moneys
921 remaining in the special dedicated fund shall be deposited in the general fund of the state.

922 (i) Each agency is authorized to accept title to property subject to the benefits based
923 funding contract and is authorized to transfer title back to the vendor in the event the
924 contract is not fully consummated.

925 (j) The external oversight committee shall have the responsibility to review and advise:

926 (1) The overall feasibility of the benefits based funding project;

927 (2) The measurement tool;

(3) The projected savings or enhanced revenues; and

(4) The dollars to be set aside for vendor payments.

(k) Each benefits based funding project and the proposed contract shall be approved by the external oversight committee prior to execution of the contract and prior to any renewal thereof.

(l) Each agency shall prepare an annual report to be sent to the external oversight committee, the Governor, and the General Assembly on all contracts entered into pursuant to this Code section, describing the benefits based funding project, its progress, its savings or enhanced revenues, and such other information as may be relevant.

50-5-78.

(a) Neither the commissioner ~~of administrative services, nor any assistant of his,~~ nor any employee of the ~~department~~ GSA shall be financially interested or have any personal beneficial interest either directly or indirectly in the purchase of or contract for any materials, equipment, or supplies, nor in any such firm, corporation, partnership, or association furnishing any such supplies, materials, or equipment to the state government or any of its departments, institutions, or agencies. Except as provided in subsection (b) of this Code section, it shall be unlawful for the commissioner ~~of administrative services or any of his assistants~~ or any employee of the ~~department~~ GSA to accept or receive, directly or indirectly, from any person, firm, or corporation to whom any contract may be awarded any money or anything of more than nominal value or any promise, obligation, or contract for future reward or compensation.

(b) Nothing in this Code section shall preclude the commissioner ~~or any of his assistants~~ or any employee of the ~~department~~ GSA from attending seminars, courses, lectures, briefings, or similar functions at any manufacturer's or vendor's facility or at any other place if any such seminar, course, lecture, briefing, or similar function is for the purpose of furnishing the commissioner, ~~assistant,~~ or employee with knowledge and information relative to the manufacturer's or vendor's products or services and is one which the commissioner determines would be of benefit to the ~~department~~ GSA and to the state. In connection with any such seminar, course, lecture, briefing, or similar function, nothing in this Code section shall preclude the commissioner, ~~assistant,~~ or employee from receiving meals from a manufacturer or vendor. Nothing in this Code section shall preclude the commissioner, ~~assistant,~~ or employee from receiving educational materials and business related items of not more than nominal value from a manufacturer or vendor.

(c) Nothing contained in this Code section shall permit the commissioner, ~~assistant,~~ or employee to accept free travel from the manufacturer or vendor outside the State of Georgia or free lodging in or out of the State of Georgia.

(d) Any person who violates subsection (a) of this Code section shall be guilty of a misdemeanor. Any person who violates subsection (a) of this Code section shall be subject to being removed from office.

50-5-79.

Whenever any department, institution, or agency of the state government required by this part and the rules and regulations adopted pursuant to this part applying to the purchase of supplies, materials, or equipment through the ~~Department of Administrative Services~~ GSA shall contract for the purchase of such supplies, materials, or equipment contrary to this part or the rules and regulations made pursuant to this part, such contract shall be void and of no effect. If any official of such department, institution, or agency willfully purchases or causes to be purchased any supplies, materials, or equipment contrary to this part or the rules and regulations made pursuant to this part, such official shall be personally liable for the cost thereof; and, if such supplies, materials, or equipment are so unlawfully purchased and paid for out of the state funds, the amount thereof may be recovered in the name of the state in an appropriate action instituted therefor.

50-5-80.

(a) As used in this Code section, the term 'person' includes natural persons, firms, partnerships, corporations, or associations.

(b) It shall be unlawful for any person to obtain for his or her own personal benefit, or for the benefit of any other person, any goods, services or other things of value, through any resource or method established pursuant to this article, including, but not limited to, purchase orders, government contracts, credit cards, charge cards, or debit cards.

(c)(1) Any person who violates subsection (b) of this Code section by obtaining any goods, services, or other things of value in the aggregate value of less than \$500.00 shall be guilty of a misdemeanor of a high and aggravated nature which shall be punishable by not more than 12 months' imprisonment and a fine not to exceed \$5,000.00. In addition to the foregoing criminal penalties, any such person shall also be subject to immediate termination of state employment and shall owe restitution to the state equal to the amount of such unlawful purchases, plus interest to be assessed at a rate of 12 percent per annum to be calculated from the date each unlawful purchase was made.

(2) Any person who violates subsection (b) of this Code section by obtaining any goods, services, or other things of value in the aggregate value of \$500.00 or more shall be guilty of a felony which shall be punishable by not less than one nor more than 20 years' imprisonment and a fine not to exceed \$50,000.00 or triple the amount of such unlawful purchases, whichever is greater. In addition to the foregoing criminal penalties, any such

person shall also be subject to immediate termination of state employment and shall owe restitution equal to the amount of such unlawful purchases, plus interest to be assessed at a rate of 12 percent per annum to be calculated from the date each such unlawful purchase was made.

(d)(1) Any person who knowingly assists another person in violating subsection (b) of this Code section shall be guilty of a misdemeanor of a high and aggravated nature which shall be punishable by not more than 12 months' imprisonment and a fine not to exceed \$5,000.00 if the unlawfully purchased goods, services, or other things of value are valued in the aggregate of less than \$500.00. In addition to such criminal penalties, any such person shall also be subject to immediate termination of state employment and shall owe restitution equal to the amount of such unlawful purchases, plus interest to be assessed at a rate of 12 percent per annum to be calculated from the date each unlawful purchase was made.

(2) Any person who knowingly assists another person in violating subsection (b) of this Code section shall be guilty of a felony which shall be punishable by not less than one nor more than 20 years' imprisonment and a fine not to exceed \$50,000.00 or triple the amount of the unlawful purchases, whichever is greater, if the goods, services, or other things of value are in the aggregate value of \$500.00 or more. In addition to such criminal penalties, any such person shall also be subject to immediate termination of state employment and shall owe restitution for the amount of such unlawful purchases, plus interest to be assessed at a rate of 12 percent per annum to be calculated from the date each unlawful purchase was made.

(e) This Code section shall not apply to any official employee purchase program for technology resources facilitated by and through the Georgia Technology Authority for state employees and public school employees of county or independent boards of education.

50-5-81.

(a) It shall be unlawful for the state; any branch, department, agency, board, or commission of the state; any county, municipality, board of education, or other political subdivision; or any officer, agent, or employee of any of the foregoing to purchase or authorize the purchase of any beef other than beef raised and produced within the United States when the purchase is to be made with governmental funds. This Code section shall not apply to canned meat which is not available from a source within the United States and which is not processed in the United States.

(b) Any person who violates subsection (a) of this Code section shall be guilty of a misdemeanor.

1034 50-5-82.

1035 (a) As used in this Code section, the term 'state agency' means any authority, board,
1036 department, instrumentality, institution, agency, or other unit of state government. 'State
1037 agency' shall not include any county, municipality, or local or regional governmental
1038 authority.

1039 (b) On or after May 13, 2004, the ~~Department of Administrative Services~~ GSA and any
1040 other state agency to which this article applies shall not enter into a state-wide contract or
1041 agency contract for goods or services, or both, in an amount exceeding \$100,000.00 with
1042 a nongovernmental vendor if the vendor or an affiliate of the vendor is a dealer as defined
1043 in paragraph (3) of Code Section 48-8-2, or meets one or more of the conditions
1044 thereunder, but fails or refuses to collect sales or use taxes levied under Chapter 8 of Title
1045 48 on its sales delivered to Georgia.

1046 (c) The ~~Department of Administrative Services~~ GSA and any other state agency may
1047 contract for goods or services, or both, with a source prohibited under subsection (b) of this
1048 Code section in the event of an emergency or where the nongovernmental vendor is the
1049 sole source of such goods or services or both.

1050 (d) The determination of whether a vendor is a prohibited source shall be made by the
1051 Department of Revenue, which shall notify the ~~Department of Administrative Services~~
1052 GSA and any other state agency of its determination within three business days of a request
1053 for such determination.

1054 (e) Prior to awarding a contract, the ~~Department of Administrative Services~~ GSA and any
1055 other state agency to which this article applies shall provide the Department of Revenue
1056 the name of the nongovernmental vendor awarded the contract, the name of the vendor's
1057 affiliate, and the certificate of registration number as provided for under Code Section
1058 48-8-59 for the vendor and affiliate of the vendor.

1059 50-5-83.

1060 (a) As used in this Code section, the term:

1061 (1) ~~'Department' means the Department of Administrative Services.~~

1062 (2) ~~'Purchasing~~ 'purchasing card' means a credit or debit card issued by a credit card
1063 company, bank, or other financial institution and provided by the State of Georgia or any
1064 of its departments or agencies under the State of Georgia Purchasing Card Program to
1065 state employees for the purpose of making purchases on behalf of such departments or
1066 agencies or the state.

1067 (b) Any purchasing card program established by the ~~department~~ GSA or by any other
1068 department or agency of the state shall conform to the following requirements:

- 1069 (1) Purchasing cards shall only be issued to state employees whose job duties require the
1070 use of a purchasing card;
- 1071 (2) Each department or agency of the state that allows the use of purchasing cards by its
1072 employees shall develop policies and procedures consistent with guidelines developed
1073 jointly by the ~~department~~ state accounting officer and the commissioner pursuant to this
1074 Code section to identify those job positions within each department or agency of the state
1075 that would require the use of a purchasing card;
- 1076 (3) Each employee receiving a purchasing card shall be required to sign an ethical
1077 behavior agreement for the use of the card which shall be developed by the ~~department~~
1078 GSA;
- 1079 (4) Each department or agency of the state that allows its employees to use purchasing
1080 cards shall provide for the review of all purchases on such cards, shall maintain receipts
1081 for each purchase, and shall maintain a log showing each purchase, the relevant vendor's
1082 name, the item purchased, the date of the purchase, the amount of the purchase, the name
1083 of the employee making the purchase, and any other information that shall be specified
1084 by the ~~department~~ GSA;
- 1085 (5) Purchases made on purchasing cards shall be reviewed and approved by supervisory
1086 personnel at least quarterly;
- 1087 (6) Purchasing cards shall not be used for items over \$5,000.00 unless the item is:
- 1088 (A) Purchased pursuant to a valid state contract; and
- 1089 (B) Purchased in compliance with state procurement policy;
- 1090 (7) Purchasing cards shall not be used to purchase gift cards;
- 1091 (8) Purchasing cards shall not be used to purchase alcoholic beverages, tobacco products,
1092 or personal items that are not job related, and state contracts for purchasing cards shall
1093 contain such prohibitions on the use of such purchasing cards;
- 1094 (9) The ~~department~~ GSA shall develop a training manual on the use of purchasing cards
1095 which shall instruct users of purchasing cards on the maximum value utilization of such
1096 purchasing cards and employees who use such purchasing cards shall comply with the
1097 provisions of such manual;
- 1098 (10) Departments and agencies of the state shall review not less than annually all
1099 purchasing cards issued to their employees and shall eliminate purchasing cards for
1100 employees who demonstrate consistently low usage of such purchasing cards;
- 1101 (11) Departments and agencies of the state which have more than 100 purchasing cards
1102 issued to employees shall establish goals to reduce such number of purchasing cards by
1103 at least 10 percent by December 31, 2009;
- 1104 (12) Employees hired for job positions for which purchasing cards are issued shall be
1105 subjected to criminal background checks before hiring, and a credit check shall be

completed by the hiring department or agency on all employees to whom a purchasing card is issued prior to issue;

(13) Purchasing cards shall be issued only to employees of departments and agencies of the state and no purchasing cards shall be issued to employees of foundations associated with departments and agencies of the state;

(14) Each purchase made with a purchasing card shall be accompanied by a receipt or other documentation listing each item purchased, the purchase price for each item, and any taxes, fees, or other amounts paid in connection with such purchase; and

(15) ~~With respect to any purchase made with a purchasing card, if~~ If the employee to whom ~~such a purchasing~~ card was issued does not provide documentation meeting the requirements of paragraph (14) of this subsection to his or her supervisor for recording on the purchasing log required to be maintained as provided in paragraph (4) of this subsection, such employee shall be personally responsible for such purchase.

(c) Any employee of a department or agency of the state who knowingly:

(1) Uses a purchasing card for personal gain;

(2) Purchases items on such purchasing card that are not authorized for purchase by such employee;

(3) Purchases items in violation of this Code section; or

(4) Retains for such employee's personal use a rebate or refund from a vendor, bank, or other financial institution for a purchase or the use of a purchasing card

shall be subject to immediate termination of employment, restitution for the amount of the improper purchases, and criminal prosecution. Any person violating this subsection shall be guilty of a misdemeanor of a high and aggravated nature if the value of the items improperly purchased or retained is less than \$500.00 in the aggregate and shall be guilty of a felony if the value of the items improperly purchased or retained is \$500.00 or more in the aggregate and, upon conviction of such felony, shall be sentenced to not less than one nor more than 20 years' imprisonment, a fine not to exceed \$50,000.00, or both.

(d) An employee's supervisor who knowingly intentionally, willfully, wantonly, or recklessly allows or who conspires with an employee who is issued a purchasing card to violate subsection (c) of this Code section shall be subject to immediate termination of employment and criminal prosecution. Any person violating this subsection shall be guilty of a misdemeanor of a high and aggravated nature if the value of the items improperly purchased or retained is less than \$500.00 in the aggregate and shall be guilty of a felony if the value of the items improperly purchased or retained is \$500.00 or more in the aggregate and, upon conviction of such felony, shall be sentenced to not less than one nor more than 20 years' imprisonment, a fine not to exceed \$50,000.00, or both.

1142 (e) The ~~department~~ commissioner is authorized to promulgate such rules and regulations
1143 as necessary to implement this Code section.

1144 50-5-84.

1145 (a) As used in this Code section, the term:

1146 (1) 'Business operations' means engaging in commerce in any form in Sudan, including,
1147 but not limited to, acquiring, developing, maintaining, owning, selling, possessing,
1148 leasing, or operating equipment, facilities, personnel, products, services, personal
1149 property, real property, or any other apparatus of business or commerce.

1150 (2) 'Company' means any sole proprietorship, organization, association, corporation,
1151 partnership, joint venture, limited partnership, limited liability partnership, limited
1152 liability company, or other entity or business association, including all wholly owned
1153 subsidiaries, majority owned subsidiaries, parent companies, or affiliates of such entities
1154 or business associations, that exists for the purpose of making profit.

1155 (3) 'Government of Sudan' means the government in Khartoum, Sudan, that is led by the
1156 National Congress Party, formerly known as the National Islamic Front, or any successor
1157 government formed on or after October 13, 2006, including the coalition National Unity
1158 Government agreed upon in the Comprehensive Peace Agreement for Sudan, and does
1159 not include the regional government of southern Sudan.

1160 (4) 'Marginalized populations of Sudan' include, but are not limited to, the portion of the
1161 population in the Darfur region that has been genocidally victimized; the portion of the
1162 population of southern Sudan victimized by Sudan's north-south civil war; the Beja,
1163 Rashidiya, and other similarly underserved groups of eastern Sudan; the Nubian and other
1164 similarly underserved groups in Sudan's Abyei, southern Blue Nile, and Nuba Mountain
1165 regions; and the Amri, Hamadab, Manasir, and other similarly underserved groups of
1166 northern Sudan.

1167 (5) 'Military equipment' means weapons, arms, military supplies, and equipment that
1168 may readily be used for military purposes, including, but not limited to, radar systems,
1169 military-grade transport vehicles, or supplies or services sold or provided directly or
1170 indirectly to any force actively participating in armed conflict in Sudan.

1171 (6) 'Mineral-extraction activities' include the exploring, extracting, processing,
1172 transporting, or wholesale selling or trading of elemental minerals or associated metal
1173 alloys or oxides (ore), including gold, copper, chromium, chromite, diamonds, iron, iron
1174 ore, silver, tungsten, uranium, and zinc.

1175 (7)(A) 'Oil related activities' include:

1176 (i) Exporting, extracting, producing, refining, processing, exploring for, transporting,
1177 selling, or trading oil; and

(ii) Constructing, maintaining, or operating a pipeline, refinery, or other oil field infrastructure.

(B) A company shall not be considered to be involved in oil related activities if:

(i) The company is involved in the retail sale of gasoline or related consumer products in Sudan but is not involved in any other activity described in subparagraph (A) of this paragraph; or

(ii) The company is involved in leasing or owns rights to an oil block in Sudan but is not involved in any other activity described in subparagraph (A) of this paragraph.

(8) 'Power-production activities' means any business operations that involve a project commissioned by the National Electricity Corporation of Sudan or other similar entity of the government of Sudan whose purpose is to facilitate power generation and delivery, including establishing power-generating plants or hydroelectric dams, selling or installing components for the project, or providing service contracts related to the installation or maintenance of the project.

(9) 'Scrutinized company' means a company that is conducting business operations in Sudan that is involved in power production activities, mineral extraction activities, ~~oil-related~~ oil related activities, or the production of military equipment, but excludes a company that can demonstrate any of the following:

(A) Its business operations are conducted under contract directly and exclusively with the regional government of southern Sudan;

(B) Its business operations are conducted under a license from the Office of Foreign Assets Control or are expressly exempted under federal law from the requirement to be conducted under such a license;

(C) Its business operations consist of providing goods or services to marginalized populations of Sudan;

(D) Its business operations exclusively consist of providing goods or services to an internationally recognized peacekeeping force or humanitarian organization;

(E) Its business operations consist of providing goods or services that are used only to promote health or education;

(F) Its business operations with the ~~Government~~ government of Sudan will be voluntarily suspended for the entire duration of the contract for goods or services for which they have bid on, or submitted a proposal for, a contract with a state agency; or

(G) It has adopted, publicized, and is implementing a formal plan to cease business operations within one year and to refrain from conducting any new business operations.

(b)(1) A scrutinized company shall be ineligible to, and shall not, bid on or submit a proposal for a contract with a state agency for goods or services.

(2) Notwithstanding paragraph (1) of this subsection, the ~~Department of Administrative Services~~ GSA may permit a scrutinized company, on a case-by-case basis, to bid on or submit a proposal for a contract with a state agency for goods or services if it is in the best interests of the state to permit the scrutinized company to bid on or submit a proposal for one or more contracts with a state agency for goods or services.

(3) In making this determination, the ~~Department of Administrative Services~~ GSA may utilize the following resources:

(A) Verification by an independent third party or nonprofit organization that a company is either:

(i) Undertaking significant humanitarian efforts in conjunction with an international organization, the ~~Government~~ government of Sudan, the regional government of southern Sudan, or a nonprofit organization to benefit one or more marginalized populations of Sudan. The party or organization providing the verification or an independent third party shall evaluate and certify that the significant humanitarian efforts are substantial in relation to the company's Sudan business operations; or

(ii) Through engagement with the ~~Government~~ government of Sudan, materially improving conditions for the genocidally victimized population in Darfur; and

(B) A National Interest Waiver issued by the President of the United States excluding a company from the federal contract prohibitions provisions of the Sudan Accountability and Divestment Act (Public Law 110-174).

(c)(1) A state agency shall require a company that submits a bid or proposal ~~with respect to~~ for a contract for goods or services, that currently or within the previous three years has had business activities or other operations outside of the United States, to certify that the company is not a scrutinized company.

(2) A state agency shall not require a company that submits a bid or proposal ~~with respect to~~ for a contract for goods or services, and that currently or within the previous three years has had business activities or other operations outside of the United States, to certify that the company is not a scrutinized company, if the company has obtained permission to bid on or submit a proposal for a contract with a state agency for goods or services pursuant to paragraph (2) of subsection (b) of this Code section.

(d)(1) Not later than August 1, 2009, the Department of Administrative Services shall ~~file~~ have filed a written notice to the United States Attorney General detailing the requirements contained in this Code section, as required by the federal Sudan Accountability and Divestment Act of 2007 (P. L. No. 110-174).

(2) Annually thereafter, the ~~Department of Administrative Services~~ GSA shall file a publicly available report to the General Assembly and the United States Attorney General outlining the actions taken under this Code section.

(3) The ~~Department of Administrative Services~~ GSA shall report to the Attorney General of Georgia the names of companies determined to have submitted false certifications under subsection (c) of this Code section, together with information as to the false certification, and the Attorney General shall determine whether to bring a civil action against the companies. The companies shall pay all costs or fees incurred in a civil action, including those for investigations that led to the discovery of a false certification.

(e) If the ~~Department of Administrative Services~~ GSA determines that a company has submitted a false certification under subsection (c) of this Code section:

(1) The company shall be liable for a civil penalty in an amount that is equal to the greater of \$250,000.00 or twice the amount of the contract for which a bid or proposal was submitted;

(2) The state agency or the ~~Department of Administrative Services~~ GSA may terminate the contract with the company; and

(3) The company shall be ineligible to, and shall not, bid on a state contract for a period of not less than three years from the date the state agency determines that the company submitted the false certification.

The ~~Department of Administrative Services~~ GSA shall report to the Attorney General the name of the company that the ~~Department of Administrative Services~~ GSA determined had submitted a false certification under subsection (c) of this Code section, together with its information as to the false certification, and the Attorney General shall determine whether to bring a civil action against such company. If such company is found to have submitted a false certification, such company shall be ordered to pay all costs and fees incurred by the state in the civil action, including all costs incurred by the state agency and the ~~Department of Administrative Services~~ GSA for investigations that led to the finding of the false certification and all costs and fees incurred by the Attorney General.

(f) The General Assembly shall periodically review this Code section and determine if any of the following events have occurred which should be construed and deemed to be a basis for repealing this Code section:

(1) The Congress or President of the United States declares the Darfur genocide has been halted for at least 12 months;

(2) The United States revokes all sanctions imposed against the ~~Government~~ government of Sudan;

(3) The President of the United States has certified to Congress that the ~~Government~~ government of Sudan has honored its commitments to do all of the following:

(A) Abide by United Nations Security Council Resolution 1769 (2007);

(B) Cease attacks on civilians;

(C) Demobilize and demilitarize the Janjaweed and associated militias;

(D) Grant free and unfettered access for delivery of humanitarian assistance; and

(E) Allow for the safe and voluntary return of refugees and internally displaced persons;

(4) The Congress or President of the United States, through legislation or executive order, declares the contract prohibition of the type provided for in this Code section interferes with the conduct of United States foreign policy; or

(5) Such other circumstances as the General Assembly determines to warrant the discontinuance of the provisions of this Code section.

Part 2

50-5-100.

The ~~Department of Administrative Services~~ GSA is authorized to permit local political subdivisions, on an optional basis, to purchase their supplies through the state.

50-5-101.

The governing authorities of each of the local political subdivisions in this state shall have the right, from time to time, to determine through study whether an overall substantial price advantage will result to a political subdivision by the means of a local political subdivision either alone or in conjunction with another political subdivision bidding through the ~~Department of Administrative Services~~ GSA on standard items of equipment, supplies, or services or other standard expenses ordinarily needed, procured, or incurred by such governments without a sacrifice of safety or quality. If the governing authority of any political subdivision shall determine that such a price advantage may be obtained by such means on any one or more of such items or expenses, the governing authority or authorities shall make this fact known to the ~~Department of Administrative Services~~ GSA. After receipt of such notice from the political subdivisions, the ~~Department of Administrative Services~~ GSA shall, after consultation with the governing authorities, establish sets of uniform standard specifications for such item or items as may be reasonably required in order to meet the needs and requirements of the requesting political subdivision. The governing authorities of the requesting political subdivision shall, at such times as the ~~Department of Administrative Services~~ GSA shall prescribe, report its probable annual requirements for the standard items to the ~~Department of Administrative Services~~ GSA and the requested time for delivery of the items. The ~~Department of Administrative Services~~ GSA shall compile the requirements together with such other information as may be needed for the purpose of advertising for bids for a uniform state price on the items.

50-5-102.

The ~~Department of Administrative Services~~ GSA shall advertise for bids for supply of such items in the same manner followed for state purchases; provided, however, that the ~~Department of Administrative Services~~ GSA shall inform prospective bidders that the bid requested is for the furnishing of the items to the designated political subdivisions at the times specified on the basis of a single state price applicable to all such local political subdivisions; that payment for the items as may be purchased by the political subdivisions shall be made by the respective political subdivision to the bidder; that no guarantee is made that any purchase will be made from the successful bidder as a result of such bid; and such other information as may be appropriate under the circumstances. The ~~Department of Administrative Services~~ GSA shall, upon receipt of bids, process the same in the same manner followed for state purchases and promptly notify the governing authorities of the political subdivisions of the name of the successful bidder, the bid price, the terms of delivery guaranteed by the successful bidder, and any other pertinent information. The commissioner ~~of administrative services~~ shall prescribe regulations necessary for implementation and enforcement of this part and is authorized to establish minimum standards and uniform standard specifications and procedures for the purchase and distribution of equipment, supplies, services, and other expenses for the local political subdivisions of this state.

50-5-103.

Notwithstanding any law to the contrary, the ~~Department of Administrative Services~~ GSA, upon receiving a request to do so from a political subdivision, may purchase for the political subdivision in the name of the state any motor vehicle, material, equipment, or supplies desired by the political subdivision. The commissioner ~~of administrative services~~ is authorized to prescribe such rules, regulations, and procedures as he or she shall deem advisable concerning the purchase of motor vehicles, material, equipment, and supplies for the political subdivisions. However, no motor vehicle, material, equipment, or supplies shall be purchased in accordance with this Code section until the political subdivision shall place in the hands of the ~~Department of Administrative Services~~ GSA a certified or cashier's check in an amount sufficient to cover the purchase price of the motor vehicle, material, equipment, or supplies. The ~~Department of Administrative Services~~ GSA is authorized and empowered to execute the necessary documents to divest the state of all title in and to such motor vehicles, material, equipment, or supplies, and to vest in the political subdivision for whom the motor vehicle, material, equipment, or supplies were purchased all such rights in and title to the vehicles, material, equipment, or supplies.

Part 3

50-5-120.

This part shall be known and may be cited as 'The Small Business Assistance Act of 1975.'

50-5-121.

For the purposes of this part, the term:

(1) ~~'Department' means the Department of Administrative Services.~~

(2) ~~'Small'~~ small business' means a business which is independently owned and operated.

In addition, such business must have either fewer than 100 employees or less than \$1 million in gross receipts per year.

50-5-122.

The legislative intent of this part is declared to be as follows: The most important element of the American economic system of private enterprise is free and vigorous competition. Only through the existence of free and vigorous competition can free entry into business and opportunities for personal initiative and individual achievement be assured. The preservation and expansion of such competition is essential for our economic well-being. In order to encourage such competition it is the declared policy of the state to ensure that a fair proportion of the total purchases and contracts or subcontracts for property, commodities, and services for the state be placed with small businesses so long as the commodities and services of small businesses are competitive as to price and quality.

50-5-123.

There is created an advisory council to the ~~department~~ GSA to be composed of representatives of designated small business enterprises to be named as follows: five by the Governor, two each by the President of the Senate and the Speaker of the House of Representatives, and one by the commissioner ~~of administrative services~~ to serve ex officio as ~~chairman~~ chairperson of the council. The members of the council shall serve without compensation. The council shall meet at least once monthly, or more often when necessary, at the call of the ~~chairman~~ chairperson in consultation with the commissioner ~~of administrative services~~ or his or her designee who shall also serve without additional compensation as executive director of the council.

50-5-124.

The council shall make a written report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the ~~chairmen~~ chairpersons of the Senate

1388 ~~Committee on~~ Insurance and Labor Committee and the House Committee on Economic
1389 Development and Tourism ~~Committee~~ at least once each year, such report to be made no
1390 later than December 1. The report shall advise the Governor, the Speaker, the President,
1391 and the designated ~~chairmen~~ chairpersons concerning progress toward achieving the
1392 legislative intent as set forth in Code Section 50-5-122 and shall contain such
1393 recommendations for legislation as the council ~~herein provided for~~ deems proper.

1394 Part 4

1395 50-5-130.

1396 The General Assembly recognizes that the preservation and expansion of the American
1397 economic system of private enterprise is through free competition, but it also recognizes
1398 that the security and well-being brought about by such competition cannot be realized
1399 unless the actual and potential capacity of minority business enterprises is encouraged and
1400 developed. Therefore, it is the intent of the General Assembly that the state define a
1401 'minority business enterprise' for purposes of representation in the area of procurement of
1402 state contracts for construction, services, equipment, and goods.

1403 50-5-131.

1404 As used in this part, the term:

1405 (1) 'Minority' means an individual who is a member of a race which comprises less than
1406 50 percent of the total population of the state.

1407 (2) 'Minority business enterprise' means a small business concern which is owned and
1408 controlled by one or more minorities and is authorized to do and is doing business under
1409 the laws of this state, paying all taxes duly assessed, and domiciled within this state.

1410 (3) 'Owned and controlled' means a business:

1411 (A) Which is at least 51 percent owned by one or more minorities or, in the case of a
1412 publicly owned business, at least 51 percent of all classes or types of the stock is owned
1413 by one or more minorities; and

1414 (B) Whose management and daily business operations are controlled by one or more
1415 minorities.

1416 50-5-132.

1417 (a) Any minority business enterprise that desires to claim such status under any law of this
1418 state or any regulation promulgated pursuant thereto shall first apply for certification, in
1419 addition to any other certification required by the provisions of 49 C.F.R. 23, to the
1420 ~~Department of Administrative Services~~ GSA.

- 1421 (b) The ~~Department of Administrative Services~~ GSA shall certify a business which meets
 1422 has met the eligibility requirement of this part to qualify as a minority business enterprise.
 1423 To qualify as a minority business enterprise, the business shall:
- 1424 (1) Be a minority business enterprise;
 - 1425 (2) Submit any documentary evidence to support its status as a minority business
 1426 enterprise;
 - 1427 (3) Sign an affidavit stating that it is a minority business enterprise;
 - 1428 (4) Be qualified to bid pursuant to the provisions of the ~~Department of Administrative~~
 1429 ~~Services~~ GSA and other state agencies; and
 - 1430 (5) Present:
 - 1431 (A) An application, including the entire business history of the operation;
 - 1432 (B) Birth certificates for all minority principals;
 - 1433 (C) If Native American, a tribal registration card or certificate;
 - 1434 (D) Current resumes on all principals, key managers, and other key personnel;
 - 1435 (E) A current financial statement;
 - 1436 (F) Proof of investment by principals;
 - 1437 (G) Loan agreements;
 - 1438 (H) Lease or rental agreement for space and equipment;
 - 1439 (I) Evidence of latest bond;
 - 1440 (J) If the applicant is a sole proprietor, a copy of a blank signature card;
 - 1441 (K) If the applicant is a partnership, a copy of the partnership agreement; and
 - 1442 (L) If the applicant is a corporation, articles of organization, corporation bylaws, copies
 1443 of all stock certificates, minutes of the first corporate organizational meeting, bank
 1444 resolution on all company accounts, and a copy of the latest United States corporate tax
 1445 return.
- 1446 (c) The ~~Department of Administrative Services~~ GSA shall prepare and maintain a list of
 1447 certified minority business enterprises.
- 1448 (d) The ~~Department of Administrative Services~~ GSA may deny certification to any
 1449 minority business enterprise which does not qualify as such under the provisions of this
 1450 part. Any person adversely affected by an order of the ~~Department of Administrative~~
 1451 ~~Services~~ GSA denying certification as a minority business enterprise may appeal as
 1452 provided in the regulations of the ~~Department of Administrative Services~~ commissioner.
- 1453 50-5-133.
- 1454 (a) It shall be unlawful for a person to:

- 1455 (1) Knowingly and with intent to defraud, fraudulently obtain, retain, attempt to obtain
1456 or retain, or aid another in fraudulently obtaining or retaining or attempting to obtain or
1457 retain; certification as a minority business enterprise for the purposes of this part;
- 1458 (2) Knowingly and willfully make a false statement with the intent to defraud, whether
1459 by affidavit, report, or other representation, to a state official or employee for the purpose
1460 of influencing the certification or denial of any certification of any entity as a minority
1461 business enterprise;
- 1462 (3) Knowingly and willfully obstruct, impede, or attempt to obstruct or impede any state
1463 official or employee who is investigating the qualifications of a business entity which has
1464 requested certification as a minority business enterprise;
- 1465 (4) Knowingly and willfully with intent to defraud, fraudulently obtain, attempt to
1466 obtain, or aid another person in fraudulently obtaining or attempting to obtain; public
1467 moneys to which the person is not entitled under this part; or
- 1468 (5) Knowingly and willfully assign any contract awarded pursuant to the ~~Department of~~
1469 ~~Administrative Services~~ GSA to any other business enterprise without prior written
1470 approval of the ~~Department of Administrative Services~~ GSA.
- 1471 (b) Any person convicted of violating any provision of this Code section shall be guilty
1472 of a felony, punishable by imprisonment for not more than five years or a fine of not more
1473 than \$10,000.00 or both such imprisonment and fine.
- 1474 (c) If a contractor, subcontractor, supplier, subsidiary, principal, or affiliate thereof has
1475 been found to have violated this Code section and that violation occurred within three years
1476 of another violation of this Code section, the ~~Department of Administrative Services~~ GSA
1477 shall prohibit that contractor, subcontractor, supplier, subsidiary, or affiliate thereof from
1478 entering into a state project or state contract; from further bidding to a state entity; from
1479 being a subcontractor to a contractor for a state entity; and from being a supplier to a state
1480 entity.

1481 Part 5

1482 50-5-135.

- 1483 (a) There is created the State Use Council, hereafter referred to as the council. The council
1484 shall be composed of 15 members as follows:
- 1485 (1) The commissioner of ~~administrative services~~ or his or her designee;
- 1486 (2) The commissioner of human services or his or her designee;
- 1487 (3) The commissioner of community affairs or his or her designee;
- 1488 (4) The commissioner of corrections or his or her designee;

- 1489 (5) Five members appointed by the Governor who shall represent the business
1490 community of the state;
- 1491 (6) Three members appointed by the Governor who shall represent a broad spectrum of
1492 persons with disabilities; and
- 1493 (7) Three members appointed by the Governor who shall represent the interest of
1494 organizations representative of persons with disabilities.
- 1495 (b) Initially, the nine members appointed pursuant to paragraphs (5) through (7) in
1496 subsection (a) of this Code section shall serve staggered terms of office as follows: three
1497 members for two years, three members for three years, and three members for four years.
1498 Thereafter, each member shall serve for a term of four years. Such members shall serve
1499 until the appointment and qualification of their successors. The members appointed by the
1500 Governor shall be selected from the state at large but shall be representative of all of the
1501 geographic areas of the state.
- 1502 (c) All successors shall be appointed in the same manner as original appointments.
1503 Vacancies in office shall be filled in the same manner as original appointments. An
1504 appointment to fill a vacancy shall be for the unexpired term. The council shall elect its
1505 own officers. No vacancy on the council shall impair the right of the quorum to exercise
1506 all rights and perform all duties of the council.
- 1507 ~~(d) The members of the council shall receive no compensation for their services but shall~~
1508 ~~be entitled to and shall be reimbursed for their actual expenses, including travel and any~~
1509 ~~other expenses incurred in the performance of their duties. Reimbursement for travel by~~
1510 ~~a personal motor vehicle shall be made in the same manner and subject to the same~~
1511 ~~limitations as provided for state employees under Code Section 50-19-7.~~
- 1512 (e) The council shall have perpetual existence. Any change in name or composition of the
1513 council shall in no way affect the vested rights of any person under this part or impair the
1514 obligations of any contracts existing under this part.
- 1515 50-5-136.
- 1516 (a) The State Use Council shall have the authority authorized in this part concerning the
1517 procurement of certain services provided and goods, wares, and merchandise produced by
1518 community based rehabilitation programs and training centers and purchased by the
1519 ~~Department of Administrative Services~~ GSA. All services provided or goods, wares, or
1520 merchandise produced wholly or in part by the community based rehabilitation programs
1521 and training centers operated by or under contract with the Department of Human Services
1522 and needed by the departments, institutions, and agencies of the state and its political
1523 subdivisions supported wholly or in part by public funds shall be obtained from community

based rehabilitation programs and training centers where availability of such services, goods, wares, or merchandise has been certified in writing by the council.

(b) The State Use Council shall have the following powers and authority:

(1) To designate a central nonprofit agency to represent community based rehabilitation programs and training centers in the state and to facilitate the distribution of orders of the State of Georgia for goods, wares, merchandise, and services on the procurement list among certified community based rehabilitation programs and training centers. As used in this part, the term 'central nonprofit agency' means an agency organized under the laws of Georgia and operated in the interest of persons with disabilities in Georgia, the net income of which does not inure in whole or in part to the benefit of any shareholder or individual. The central nonprofit agency shall be selected using criteria established by the council and shall be selected for a period not to exceed two years, provided that an agency may succeed itself as the central nonprofit agency. The central nonprofit agency ~~will~~ shall be responsible for selecting the community based rehabilitation program and training center to perform a specific contract for work ordered by the state. Consideration ~~will~~ shall be given to the strengths of the particular organization, prior work history, and the ability to produce within time and budgetary parameters. Only programs and centers which have been certified by the council ~~will~~ shall be eligible for state use contracts. Once the community based rehabilitation program and training center has been selected and a subcontract has been established between that community based rehabilitation program and training center and the central nonprofit agency, the central nonprofit agency shall provide management and quality control assistance in the administration of the project. This may be in the form of quality assurance procedures, time and date deadlines, technical assistance in assembly, or a variety of other activities concerning the project at hand. Other than on a specific contract basis, the central nonprofit agency ~~will~~ shall offer training programs, certification workshops, quality control workshops, and other technical, management, marketing, and general assistance programs to participating programs and centers in the state. These programs ~~may~~ shall not be mandatory in all cases; however, they ~~will~~ shall be offered to help the various programs and centers become more productive and efficient in their handling of state use contracts and other work as well. The central nonprofit agency shall maintain the necessary records and data concerning contracts with certified community based rehabilitation programs and training centers and shall maintain communication with community based rehabilitation programs and training centers during the conduct of a contract which has been let with the program and center for various program services as necessary and appropriate;

(2) To develop, in conjunction with the ~~Department of Administrative Services~~ GSA, a list of goods, wares, merchandise, and services which shall be set aside for purchase from

community based rehabilitation programs and training centers. This list shall be reviewed annually and goods, wares, merchandise, and services may be added or deleted as necessary and appropriate;

(3) To establish fair market prices for commodities or services on the selected procurement list and to consider recommendations from the procuring agencies, the central nonprofit agency, and other relevant sources. The central nonprofit agency shall analyze the data and submit a recommended fair market price to the council along with detailed justification necessary to support the recommended prices. Pricing guidelines shall be established by the council in association with standard methodology for determining fair market value. However, the fair market prices shall not exceed the prices normally paid by state agencies for such commodities or services;

(4) To oversee and assist in the development of guidelines for the certification of community based rehabilitation programs and training centers in the State of Georgia. The intent of these guidelines shall be to evaluate the qualifications and capabilities of community based rehabilitation programs and training centers interested in certification; to determine criteria for quality, efficiency, timeliness, and cost effectiveness in the production of goods, wares, merchandise, and services to be procured under the state use plan and purchased by the State of Georgia; and to establish a certification process which shall enable community based rehabilitation programs and training centers qualified under this process to compete in procurement activities provided for by this part. All community based rehabilitation programs and training centers which are certified by the commissioner of human resources (now known as the commissioner of human services for these purposes) as of February 8, 1994, shall not have to undergo the certification evaluation and approval process until 24 months from February 8, 1994;

(5) With respect to the certification process and the designated community based rehabilitation programs and training centers which may enter into contracts under this part, to establish criteria for determining what constitutes a substantial disability to employment that prevents the individual under the disability from currently engaging in normal competitive employment. In establishing the criteria, the council shall consult with appropriate entities of government and take into account the views of nongovernmental entities representing the severely disabled. The council shall give weight to the criteria established by the federal committee for purchase of products and services of the blind and other severely disabled persons, pursuant to the federal Wagner-O'Day Act (41 U.S.C. Sections 46-48b), as amended; and

(6) To make an annual report to the Governor and the General Assembly concerning its activities under this part and the activities and contracts provided by the central nonprofit agency. The State Use Council shall not be required to distribute copies of the annual

1598 report to the members of the General Assembly but shall notify the members of the
1599 availability of the report in the manner which it deems to be most effective and efficient.

1600 50-5-137.

1601 Notwithstanding any other provisions of law to the contrary, certified community based
1602 rehabilitation programs and training centers conducting contract work under the state use
1603 plan and under the auspices of the central nonprofit agency shall not be required to have
1604 prior experience in providing the goods, wares, merchandise, or services in a given contract
1605 in order to participate in these contracts.

1606 50-5-138.

1607 (a) The ~~Department of Administrative Services~~ GSA shall contract with the central
1608 nonprofit agency to pay a fee to such agency on the basis of contracts procured from the
1609 state. This fee shall be not less than 5 percent nor more than 8 percent of the total contract
1610 fee awarded for a particular project. The fees will be added to the fair market price paid
1611 by the state agencies and political subdivisions or will be paid from assessments received
1612 from the state agencies and political subdivisions by the ~~Department of Administrative~~
1613 ~~Services~~ GSA. The timeliness and methodology of collection of these fees ~~will~~ shall be
1614 decided upon between the ~~Department of Administrative Services~~ GSA and the central
1615 nonprofit agency and shall be incorporated into such contract.

1616 (b) The commissioner ~~of administrative services~~ retains the right to cancel or modify
1617 contracts which have been selected for procurement under this part for nonperformance and
1618 noncompetitive pricing reasons.

1619 (c) All contracts which presently exist between the State of Georgia and community based
1620 rehabilitation programs and training centers in Georgia, including the State of Georgia
1621 administered Georgia Industries for the Blind, shall be grandfathered in perpetuity,
1622 excepting for nonperformance reasons according to the policies, regulations, and
1623 determination of the ~~Department of Administrative Services~~ GSA.

1624 ARTICLE 4

1625 50-5-140.

1626 It shall be the duty and responsibility of the head of each department, institution, or agency
1627 of the state to furnish, upon written request by the ~~Department of Administrative Services~~
1628 GSA on such forms as provided by it, a list of all surplus personal property held by that
1629 department, institution, or agency at the time of the request. These requests may be made
1630 by the ~~Department of Administrative Services~~ GSA as often as it deems necessary.

1631 50-5-141.

1632 (a) The ~~Department of Administrative Services~~ GSA is authorized and it shall be its duty
1633 to dispose of surplus property by one of the following means:

1634 (1) Transfer to other state agencies;

1635 (2) Sell to the highest responsible bidder for cash;

1636 (3) Sell by fixed price; provided, however, that surplus property sold by fixed price shall
1637 have been originally purchased by the state for an amount of \$5,000.00 or less;

1638 (4) Trade in such surplus property on the purchase of new equipment if the ~~Department~~
1639 ~~of Administrative Services~~ GSA shall determine that such action is for the best interest
1640 of the state; or

1641 (5) Where the ~~Department of Administrative Services~~ GSA shall determine that the
1642 surplus property has no value or that the cost of maintaining and selling the surplus
1643 property exceeds the anticipated proceeds from the sale of the surplus property, by
1644 destruction and disposal and order of removal from the inventory of the department,
1645 institution, or agency with such action noted thereon.

1646 (b) No employee of the ~~Department of Administrative Services~~ GSA or such employee's
1647 immediate family member shall purchase surplus property sold by fixed price or negotiated
1648 sale; nor shall any person purchase surplus property by fixed price or negotiated sale for
1649 the direct or indirect benefit of any such employee or employee's immediate family
1650 member.

1651 50-5-142.

1652 The commissioner ~~of administrative services~~ shall promulgate such rules and regulations
1653 as may be required to carry out ~~Code Sections 50-5-140, 50-5-141, 50-5-143, 50-5-144,~~
1654 ~~and 50-5-146~~ this article and shall establish procedures for the disposition of surplus
1655 property, including the manner whereby the sale of surplus property shall be advertised and
1656 competitive bids for the purchase thereof shall be secured.

1657 50-5-143.

1658 (a) As used in this Code section, the term 'political subdivision' means any county or
1659 municipality of this state or any county or independent board of education of this state.

1660 (b) In addition to the authority provided in Code Section 50-5-141, the ~~Department of~~
1661 ~~Administrative Services~~ GSA shall be further authorized to dispose of surplus property by
1662 the transfer of the property to any political subdivision through a negotiated sale if the
1663 ~~Department of Administrative Services~~ GSA determines that such sale would be in the best
1664 interests of the state, and, under the circumstances, the negotiated sales price would
1665 constitute a reasonable consideration for the property.

(c) When any surplus property is transferred to a political subdivision; pursuant to subsection (b) of this Code section, such transfer shall be subject to the following conditions:

(1) The property shall not be resold by any such political subdivision within one year after the transfer without the written consent of the ~~Department of Administrative Services~~ GSA; and

(2) The ~~Department of Administrative Services~~ GSA shall have the right, which shall be exercised at its discretion, to supervise the resale of the property at public outcry to the highest responsible bidder if the resale of the property is within one year after such transfer.

50-5-144.

(a) As used in this Code section, the term:

(1) 'Charitable institution' means any nonprofit tax-exempt person, firm, or corporation providing services within this state.

(2) 'Public corporation' means any public authority or other public corporation created by or pursuant to state law.

(b) In addition to any other authority provided by ~~Code Sections 50-5-140 through 50-5-143, this Code section, and Code Section 50-5-146~~ this article, the ~~Department of Administrative Services~~ GSA shall be authorized to dispose of surplus property, including surplus property subject to paragraph (7) of Code Section 50-5-51, by the transfer of the property to any charitable institution or public corporation through a negotiated sale if the ~~department~~ GSA determines that such sale would be in the best interests of the state, and, under the circumstances, the negotiated sales price would constitute a reasonable consideration for the property.

(c) When any surplus property is sold to a charitable institution or to a public corporation pursuant to subsection (b) of this Code section, the sale shall be subject to the following conditions:

(1) The property shall not be resold by the purchaser within one year after the sale without the written consent of the ~~Department of Administrative Services~~ GSA; and

(2) The ~~Department of Administrative Services~~ GSA shall have the right and obligation to supervise the resale of the property at public outcry to the highest responsible bidder if the resale is within one year after the sale and, if the resale price exceeds the original negotiated sales price, the amount of the excess shall be paid to the ~~Department of Administrative Services~~ GSA.

50-5-145.

~~Nothing contained within Code Sections 50-5-140 through 50-5-144 and 50-5-146~~ This article shall not be construed so as to apply to any real property owned by the state, and such Code sections shall not apply to such property, nor and shall not such Code sections be construed so as to prohibit the Attorney General from distributing or selling the published reports of the opinions of the Attorney General.

50-5-146.

Any person who causes state property having a value of less than \$200.00 to be disposed of in violation of this article shall be guilty of a misdemeanor. If such property has a value of \$200.00 or more, he or she shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than five years.

ARTICLE 5

50-5-160.

This article shall be known and may be cited as the 'State Properties Code.'

50-5-161.

As used in this article, the term:

(1) 'Acquire,' 'acquisition,' and 'acquiring' mean the obtaining of real property by any method including, but not limited to, gift, purchase, condemnation, devise, court order, and exchange.

(2) 'Administrative space' means any space, whether existing or to be constructed, that is required by a state entity for office, storage, or special purposes and that is required for the core mission of such state entity. In order to be required, the space must be necessary for and utilized in either:

(A) The performance of the duties that the state entity is obligated by law to perform;
or

(B) The delivery of the services that the state entity is authorized or required by law to provide.

(3) 'Deed' means either a fee simple deed without warranty or a quitclaim deed.

(4) 'Entities' or 'entity' means any and all constitutional offices, as well as all authorities, departments, divisions, boards, bureaus, commissions, agencies, instrumentalities, or institutions of the state.

(5) 'Lease' means a written instrument under the terms and conditions of which one party (lessor) out of its own estate grants and conveys to another party or parties (lessee) an estate for years retaining a reversion in itself after such grant and conveyance.

(6) 'Mineral resources' means, but is not limited to, sand, sulfur, phosphate, oil, and gas.

(7) 'Person' means any individual; general or limited partnership; joint venture; firm; private, public, or public service corporation; association; authority; fiduciary; governmental body, instrumentality, or other organization of the state; county of the state; municipal corporation of the state; political subdivision of the state; governmental subdivision of the state; and any other legal entity doing business in the state.

(8) 'Power,' 'empower(ed),' 'authority,' and 'authorized' are synonymous and when each is used it shall include the other, the same as if the other had been fully expressed. When the GSA has the power or is empowered, it has the authority and is authorized. 'Authorized' and 'may' shall imply discretion and not requirement.

(9) 'Property' means:

(A) The Western and Atlantic Railroad including all the property associated with the railroad as of December 26, 1969, unless the same has otherwise been provided for by Act or resolution of the General Assembly;

(B) All the property owned by the state in Tennessee other than that property included in subparagraph (A) of this paragraph;

(C) The state owned property facing Peachtree, Cain, and Spring streets in the City of Atlanta, Fulton County, Georgia, upon which the Governor's mansion once stood and which is commonly referred to and known as the 'Henry Grady Hotel property' or 'old Governor's mansion site property';

(D) Any state owned real property the custody and control of which has been transferred to the GSA by executive order of the Governor; and

(E) Any state owned real property the custody and control of which has been transferred to the GSA by an Act or resolution of the General Assembly without specific instructions for its disposition.

(10) 'Rental agreement' means a written instrument the terms and conditions of which create the relationship of landlord and tenant. Under such relationship no estate passes out of the landlord and the tenant has only usufruct.

(11) 'Revocable license' means the granting, subject to certain terms and conditions contained in a written revocable license agreement, to a named person or persons (licensee), and to that person or persons only, of a revocable personal privilege to use a certain described parcel or tract of the property to be known as the licensed premises for a named purpose. Regardless of any and all improvements and investments made, consideration paid, or expenses and harm incurred or encountered by the licensee, a revocable license shall not confer upon the licensee any right, title, interest, or estate in the licensed premises, nor shall a revocable license confer upon the licensee a license

1770 coupled with an interest or an easement. A revocable license may be revoked, canceled,
1771 or terminated, with or without cause, at any time by the licensor (GSA).

1772 (12) 'Revocable license agreement' means a written instrument which embodies a
1773 revocable license and which sets forth the names of the parties thereto and the terms and
1774 conditions upon which the revocable license is granted.

1775 (13) 'State' means the State of Georgia.

1776 (14) 'State agency' or 'state agencies' means any department, division, bureau, board,
1777 commission, or agency within the executive branch of state government.

1778 (15) 'Terms and conditions' shall include stipulations, provisions, agreements, and
1779 covenants.

1780 50-5-162.

1781 The GSA, under the supervision of the commissioner, in addition to other powers and
1782 duties set forth in other Code sections of this article, shall have the power and duty to:

1783 (1) Inspect, control, manage, oversee, and preserve the property;

1784 (2) Maintain at all times a current inventory of the property;

1785 (3) Authorize the payment of any tax or assessment legally levied by the State of
1786 Tennessee or any governmental subdivision thereof upon any part of the property situated
1787 within the State of Tennessee;

1788 (4) Prepare lease or sale proposals affecting the property for submission to the General
1789 Assembly;

1790 (5) Subject to the limitation contained in this article, determine all of the terms and
1791 conditions of each instrument prepared or executed by it;

1792 (6) Have prepared, in advance of advertising for bids as provided for in Code Section
1793 50-5-168, a thorough report of such data as will enable the GSA to arrive at a fair
1794 valuation of the property involved in such advertisement; and to include within the report
1795 at least two written appraisals of the value of the property which shall be made by a
1796 person or persons familiar with property values in the area where the property is situated;
1797 provided, however, that one of the appraisals shall be made by a member of a nationally
1798 recognized appraisal organization; and provided, further, that in the case of the Western
1799 and Atlantic Railroad, the appraisal, other than the one required to be made by a member
1800 of a nationally recognized appraisal organization, may be the latest valuation report of the
1801 Western and Atlantic Railroad prepared by the Interstate Commerce Commission;

1802 (7) Contract with any person for the preparation of studies or reports on:

1803 (A) The value of such property including, but not limited to, sale value, lease value,
1804 and insurance value;

1805 (B) The proper utilization to be made of such property; and

(C) Any other data necessary or desirable to assist the GSA in the execution and performance of its duties;

(8) Insure the improvements on all or any part of the property against loss or damage by fire, lightning, tornado, or other insurable casualty; and insure the contents of the improvements against any such loss or damage;

(9) Inspect as necessary any of the property which may be under a lease, rental agreement, or revocable license agreement in order to determine whether the property is being kept, preserved, cared for, repaired, maintained, used, and operated in accordance with the terms and conditions of the lease, rental agreement, or revocable license agreement and to take such action necessary to correct any violation of the terms and conditions of the lease, rental agreement, or revocable license agreement;

(10) Deal with and dispose of any unauthorized encroachment upon, or use or occupancy of, any part of the property, whether the encroachment, use, or occupancy is permissive or adverse, or whether with or without claim of right therefor; to determine whether the encroachment, use, or occupancy shall be removed or discontinued or whether it shall be permitted to continue and, if so, to what extent and upon what terms and conditions; to adjust, settle, and finally dispose of any controversy that may exist or arise regarding any such encroachment, use, or occupancy in such manner and upon such terms and conditions as the GSA may deem to be in the best interest of the state; to take such action as the GSA may deem proper and expedient to cause the removal or discontinuance of any such encroachment, use, or occupancy; and to institute and prosecute for and on behalf of and in the name of the state such actions and other legal proceedings as the GSA may deem appropriate for the protection of the state's interest in or the assertion of the state's title to such property;

(11) Settle, adjust, and finally dispose of any claim, dispute, or controversy of any kind whatsoever arising out of the terms and conditions, operation, or expiration of any lease of the property or grant of rights in the property;

(12) Negotiate and prepare for submission to the General Assembly amendments to any existing lease, and such amendments shall not, for the purposes of paragraph (4) of this Code section and Code Section 50-5-168, be interpreted as lease proposals or proposals to lease, provided:

(A) That the lessee of the lease as it is to be amended shall be either the lessee, a successor, an assignee, or a sublessee as to all or a portion of the property described in the lease as first executed or as previously amended; and

(B) That unless otherwise provided in the lease as first executed or as previously amended:

(i) The GSA shall prepare each amendment in at least four counterparts all of which shall immediately be signed by the lessee, whose signature shall be witnessed in the manner required by the applicable law for public recording of conveyances of real estate. The signing shall constitute an offer by the lessee and shall not be subject to revocation by the lessee unless it is rejected by the General Assembly or the Governor as provided in this Code section. A resolution containing an exact copy of the amendment, or to which an exact copy of the amendment is attached, shall be introduced in the General Assembly in either the House of Representatives, the Senate, or both, if then in regular session, or, if not in regular session at such time, at the next regular session of the General Assembly. The resolution, in order to become effective, shall receive the same number of readings and, in both the House of Representatives and the Senate, go through the same processes and procedures as a bill;

(ii) If either the House of Representatives or the Senate fails to adopt the resolution during the regular session by a constitutional majority vote in each house, the offer shall be considered rejected by the General Assembly;

(iii) If the resolution is adopted during the regular session by a constitutional majority vote of both the House of Representatives and the Senate but is not approved by the Governor, the offer shall be considered rejected by the Governor;

(iv) If the resolution is adopted during the regular session by a constitutional majority vote of both the House of Representatives and the Senate and is approved by the Governor, whenever in the judgment of the GSA all of the precedent terms and conditions of the amendment and the resolution, if there are any, have been fulfilled or complied with, the Governor shall execute and the GSA shall deliver to the lessee the amendment for and on behalf of and in the name of the state. The Governor's signature shall be attested by the Secretary of State. The Secretary of State shall also affix the great seal of the state to the amendment; and

(v) On or before December 31 in each year, the GSA shall submit a report describing all amendments negotiated during that year or under negotiation at the date of the report to the chairpersons of the Senate Appropriations Committee and the House Committee on Appropriations;

(13) Exercise such other powers and perform such other duties as may be necessary or desirable to inspect, control, manage, oversee, and preserve the property;

(14) Do all things and perform all acts necessary or convenient to carry out the powers and fulfill the duties given to the GSA in this article;

1877 (15) Perform all terms including but not limited to termination, satisfy all conditions,
1878 fulfill all requirements, and discharge all obligations and duties contained in all leases or
1879 contracts of sale of the property which:

1880 (A) Provide that the GSA is empowered to act or shall act for and on behalf of the state
1881 (lessor or seller); and

1882 (B)(i) Have previously been approved and adopted or authorized by a resolution of
1883 the General Assembly; or

1884 (ii) May be approved and adopted or authorized by a resolution of the General
1885 Assembly with the latter resolution being approved by the Governor;

1886 (16) Perform all terms, satisfy all conditions, fulfill all requirements, discharge all
1887 obligations, and otherwise implement the disposition of real property for and on behalf
1888 of the state when the General Assembly so provides in any enactment, including Acts or
1889 resolutions, authorizing or directing a disposition of real property of the state or of any
1890 instrumentality of the state; and

1891 (17) Provide or perform acquisition related services to or for all state entities.

1892 50-5-163.

1893 (a) The GSA is empowered to and may acquire from a railroad company the real property,
1894 including the right of way, and any other properties, personal or otherwise, associated
1895 therewith, encompassed within any railroad line that has been abandoned as an operating
1896 rail line by said railroad company if the GSA first determines that preserving ownership
1897 of the said railroad corridor, in whole or in part, may be useful for the present or future
1898 needs of public transportation in this state.

1899 (b) Such an acquisition as described in subsection (a) of this Code section shall be in the
1900 name of the state, custody in the GSA, as a 'property' similar to the state owned properties
1901 described in subparagraphs (A), (B), and (C) of paragraph (9) of Code Section 50-5-161.
1902 Such an acquisition may be made by the GSA without a request to acquire from another
1903 state agency or without a request from another state agency, state authority, or other
1904 instrumentality of the state to provide or perform acquisition related services.

1905 (c) Notwithstanding any provisions and requirements of law to the contrary and
1906 particularly notwithstanding the requirements of Code Section 50-5-168, the GSA, acting
1907 for and on behalf of and in the name of the state, is empowered and may deed, lease, rent,
1908 or license any such acquired property to any state authority or other instrumentality of the
1909 state for public transportation use.

1910 (d) Except as otherwise provided for in this Code section, the powers set forth in
1911 subsections (a), (b), and (c) of this Code section are cumulative, and not in derogation, of
1912 other powers of the GSA as set forth in this article.

1913 (e) The powers set forth in subsections (a), (b), and (c) of this Code section are intended
1914 to be exercised independently of any power or action by any other state agency, state
1915 authority, or other unit or instrumentality of government, but said powers are not intended
1916 to repeal similar or related powers in any other state agency, state authority, or other unit
1917 or instrumentality of government.

1918 50-5-164.

1919 The GSA shall:

1920 (1) Develop policies and procedures for state-wide real property management;

1921 (2) Maintain a state-wide real property management system that has consolidated real
1922 property, building, and lease information for state entities;

1923 (3) Develop and maintain a centralized repository of comprehensive space needs for all
1924 state entities including up-to-date space and resource utilization, anticipated needs, and
1925 recommended options;

1926 (4) With the advice and counsel of state entities, board members, and industry groups,
1927 provide state-wide policy leadership, recommending legislative, policy, and other similar
1928 changes and coordinating master planning to guide and organize capital asset
1929 management;

1930 (5) As needed, secure portfolio management expertise to accomplish the desired policy
1931 outcomes;

1932 (6) Seek the cooperation of all state entities to increase the effectiveness of the portfolio
1933 management approach; and

1934 (7) Provide assistance to all entities in achieving space and real property reporting
1935 requirements, in accordance with state law, in the acquisition and disposition of real
1936 property and leases and in evaluating compliance and operational practices.

1937 50-5-165.

1938 The GSA shall cause all of its records, including but not limited to minutes or transcripts,
1939 reports, studies, forms of instruments, bidding papers, notices, advertisements, invitation
1940 for bids, bids, executed instruments, and correspondence, to be kept and maintained
1941 permanently. Such records shall be open to public inspection and may be inspected by any
1942 citizen of the state during usual business hours unless the same are being used by the GSA
1943 or by its employees in the performance of its or their duties.

1944 50-5-166.

1945 The commissioner is authorized to adopt, after reasonable notice and hearing thereon, such
1946 rules and regulations as he or she may deem appropriate for the exercise of the duties of

1947 the GSA under this article. Until otherwise specified by the commissioner, the rules and
1948 regulations formerly adopted by the State Properties Commission shall remain in effect to
1949 the extent applicable.

1950 50-5-167.

1951 (a) Except for all acquisitions of real property by the Department of Transportation and
1952 the Board of Regents of the University System of Georgia; the Department of Natural
1953 Resources acquiring by gift parcels of real property, not exceeding three acres each, to be
1954 used for the construction and operation thereon of boat-launching ramps; the Technical
1955 College System of Georgia in connection with student live work projects funded through
1956 moneys generated as a result of the sale of such projects, donations, or student supply fees;
1957 and the GSA resulting from transfers of custody and control of real property to the GSA
1958 by executive order of the Governor or by Act or resolution of the General Assembly and
1959 except as otherwise provided by law and as otherwise required by the nature of the
1960 transaction conveying real property to the state or any entity thereof:

1961 (1) All state entities shall acquire real property through the GSA; and

1962 (2) The title to all real property acquired shall be in the name of the state, except for state
1963 authorities which shall hold title in their own name. The conveyance shall have written
1964 or printed in the upper right-hand corner of the initial page thereof the name of the state
1965 entity for which the real property has been acquired who is the custodian thereof.

1966 (b) The commissioner is authorized to establish, and amend when the commissioner deems
1967 it necessary, a procedure to facilitate the handling by the GSA of requests for acquisition
1968 of real property.

1969 (c) The state entity requesting acquisition of real property shall provide all of the funds
1970 necessary to acquire the real property.

1971 50-5-168.

1972 (a) Any proposal to lease, other than a lease of mineral resources, or sell any part of the
1973 property shall be initiated and carried out in accordance with this Code section.

1974 (b) Any such lease or sale shall be made upon public competitive bidding, and the
1975 invitation for bids shall be advertised once a week for four consecutive weeks in the legal
1976 organ and in one or more newspapers of general circulation in the county or counties
1977 wherein is situated the property to be bid upon and in the legal organ of Fulton County,
1978 Georgia. Prior to such advertising, the GSA shall prepare a proposed form of lease or
1979 contract of sale and deed and appropriate instructions which shall be furnished to
1980 prospective bidders under such conditions as the GSA may prescribe.

1981 (c) Sealed bids shall be submitted to the GSA and each bid shall be accompanied by a bid
1982 bond or such other security as may be prescribed by the GSA. All bids shall be opened in
1983 public on the date and at the time and place specified in the invitation for bids. The GSA
1984 shall formally determine and announce which bid and bidder it considers to be most
1985 advantageous to the state. The GSA shall have the right to reject any or all bids and
1986 bidders and the right to waive formalities in bidding.

1987 (d) When the GSA formally determines and announces which bid and bidder it considers
1988 to be most advantageous to the state, the GSA shall then prepare the instrument of lease or
1989 contract of sale and deed in at least four counterparts which shall be immediately signed
1990 by the prospective lessee or purchaser, whose signature shall be witnessed in the manner
1991 required by the applicable law for public recording of conveyances of real estate. The
1992 signing shall constitute a bid by the prospective lessee or purchaser and shall not be subject
1993 to revocation by the prospective lessee or purchaser unless it is rejected by the General
1994 Assembly or the Governor as provided in this Code section. A resolution containing an
1995 exact copy of the proposed lease or contract of sale and deed, or to which an exact copy of
1996 the proposed lease or contract of sale and deed is attached, shall be introduced in the
1997 General Assembly in either the House of Representatives, the Senate, or both, if then in
1998 regular session, or, if not in regular session at such time, at the next regular session of the
1999 General Assembly. The resolution, in order to become effective, shall receive the same
2000 number of readings and, in both the House of Representatives and the Senate, go through
2001 the same processes and procedures as a bill.

2002 (e) If either the House of Representatives or the Senate fails to adopt the resolution during
2003 the regular session by a constitutional majority vote in each house, the bid shall be
2004 considered rejected by the General Assembly.

2005 (f) If the resolution is adopted during the regular session by a constitutional majority vote
2006 of both the House of Representatives and the Senate but is not approved by the Governor,
2007 the bid shall be considered rejected by the Governor.

2008 (g) If the resolution is adopted during the regular session by a constitutional majority vote
2009 of both the House of Representatives and the Senate and is approved by the Governor, the
2010 Governor shall execute and the GSA shall deliver to the purchaser the contract of sale for
2011 and on behalf of and in the name of the state, and thereupon both parties to the agreement
2012 shall be bound thereby. The Governor's signature shall be attested by the Secretary of
2013 State. The Secretary of State shall also affix the great seal of the state to the contract of
2014 sale. Whenever, in the judgment of the GSA, all of the terms and conditions of the contract
2015 of sale, or all of the precedent terms and conditions of the contract of sale, or all of the
2016 precedent terms and conditions of the lease have been fulfilled or complied with, the
2017 Governor shall execute and the GSA shall deliver to the purchaser or lessee the deed or

2018 lease for and on behalf of and in the name of the state. The Governor's signature shall be
2019 attested by the Secretary of State. The Secretary of State shall also affix the great seal of
2020 the state to the deed or lease.

2021 50-5-169.

2022 The GSA shall not submit to the General Assembly for its consideration any lease which
2023 provides that either:

2024 (1) The lessee will not obtain possession of the leased premises within a period of five
2025 years from the commencement date of the regular session of the General Assembly to
2026 which the lease is submitted for consideration; or

2027 (2) The term of the lease will not commence within a period of five years from the
2028 commencement date of the regular session of the General Assembly to which the lease
2029 is submitted for consideration.

2030 50-5-170.

2031 (a) Notwithstanding any provisions and requirements of law to the contrary, the GSA is
2032 authorized to negotiate, prepare, and enter into in its own name rental agreements whereby
2033 a part of the property is rented, without public competitive bidding, to a person for a length
2034 of time not to exceed one year and for adequate monetary consideration, in no instance to
2035 be less than a rate of \$250.00 per year, which shall be determined by the GSA and pursuant
2036 to such terms and conditions as the GSA shall determine to be in the best interest of the
2037 state. The same property or any part thereof shall not be the subject matter of more than
2038 one such rental agreement to the same person unless the GSA shall determine that there are
2039 extenuating circumstances present which would make additional one-year rental
2040 agreements beneficial to the state; provided, however, the same property or any part thereof
2041 shall not after April 24, 1975, be the subject matter of more than a total of three such
2042 one-year rental agreements to the same person.

2043 (b) The GSA is given the authority and charged with the duty of managing the utilization
2044 of administrative space by all state entities, except that the Board of Regents of the
2045 University System of Georgia and the Department of Labor may manage their own space
2046 but only for leases that are within the State of Georgia and required for their core mission.
2047 The GSA shall manage in a manner that is the most cost efficient and operationally
2048 effective and which provides decentralization of state government. Such management shall
2049 include the authority to assign and reassign administrative space to state entities based on
2050 the needs of the entities as determined by standards for administrative space utilization
2051 promulgated by the GSA pursuant to subsection (g) of this Code section and shall include

the obligation to advise the Office of Planning and Budget and state entities of cost-effective, decentralized alternatives.

(c) The management of the utilization of administrative space by the GSA shall include entering into any necessary agreements to rent or lease administrative space, whether existing or to be constructed, and shall include administrative space rented or leased by a state entity from the Georgia Building Authority or from any other public or private person, firm, or corporation. When it becomes necessary to rent or lease administrative space, the space shall be rented or leased by the GSA and assigned to the state entity or entities requiring the space.

(d) If the GSA reassigns all or any portion of any administrative space which is leased or rented by one state entity to another state entity, the state entity to which the administrative space is reassigned shall pay to the GSA rental charges, as determined by the GSA, for the utilization of the space; and the GSA shall, in turn, use the rental charges so paid for the purpose of paying or partially paying, as the case may be, the rent or lease payments due the lessor of the administrative space in accordance with the terms of the lease or rent contract existing at the time of the reassignment of the administrative space. Any such payments to a lessor by the GSA shall be on behalf of the state entity which is the lessee of the administrative space reassigned as provided in this Code section.

(e) The management of the utilization of administrative space given to the GSA by this Code section shall not be construed to impair the obligation of any contract executed before July 1, 2010; and the powers given to the GSA by this Code section shall not be implemented or carried out in such a manner as to impair the obligation of any such contract.

(f) The GSA is authorized and directed to develop and promulgate standards governing the utilization of administrative space by all state entities which require emphasis on cost effectiveness and decentralization. The standards shall be uniformly applied to all state entities except as otherwise provided by subsection (g) of this Code section, but the standards shall recognize and provide for different types of administrative space required by the various state entities and the different types of administrative space that may be required by a single state entity.

(g) The GSA shall be authorized to reassign administrative space to the various state entities in order to bring the utilization of administrative space into conformity with the standards promulgated under subsection (f) of this Code section. Any additional administrative space required by a state entity shall be approved by and obtained through the GSA. The GSA shall be authorized to grant exceptions to the standards governing the utilization of administrative space when the reassignment of such space would involve unnecessary expenses or the disruption of services being provided by a state entity. The

2089 GSA shall adopt and promulgate rules and regulations governing the granting of such
2090 exceptions, and the rules and regulations shall be uniformly applied by the GSA to all state
2091 entities requesting an exception to the standards.

2092 (h) For purposes of cost effectiveness and decentralization, the following factors, among
2093 other factors, shall be considered:

2094 (1) Dual location of programs within a city should be considered in order to take
2095 advantage of possible economies of scale and as a matter of convenience to the general
2096 public; or

2097 (2) When all factors are reasonably equivalent, preferences shall be given to location of
2098 state government programs and facilities in those counties which are determined by the
2099 Department of Community Affairs to be the most economically depressed, meaning those
2100 71 tier 1 counties of the state designated as least developed under paragraph (2) of
2101 subsection (b) of Code Section 48-7-40.

2102 (i) The GSA is authorized and directed to promulgate rules and regulations governing
2103 budgetary requirements for administrative space utilized by state entities in cooperation
2104 with the Office of Planning and Budget whereby the entities shall be accountable in the
2105 budgetary process for administrative space assigned to and utilized by them. The
2106 budgetary requirements may provide for the payment of rent to the GSA by state entities
2107 or may otherwise provide procedures for the assessment of rent charges for administrative
2108 space utilized by state entities or any combination of the foregoing.

2109 (j) In addition to the standards and rules and regulations specifically provided for by this
2110 Code section, the commissioner is authorized to adopt such other rules and regulations as
2111 may be required to carry out this Code section efficiently and effectively.

2112 50-5-171.

2113 (a) Notwithstanding any provisions and requirements of law to the contrary, the GSA shall
2114 have the exclusive power to negotiate, prepare, and grant in its own name, without public
2115 competitive bidding, a revocable license to any person to enter upon, extend from, cross
2116 through, over, or under, or otherwise to encroach upon any of the property under the
2117 custody and control of the GSA or under the custody and control of any state agency which
2118 is subject to the requirements of Code Section 50-5-167.

2119 (b) Any grant of revocable license by the GSA to any person shall be in writing and shall
2120 contain such terms and conditions as the GSA shall determine to be in the best interest of
2121 the state, provided that:

2122 (1) Each grant of revocable license, if not revoked prior to, shall stand revoked, canceled,
2123 and terminated as of the third anniversary of the date of the revocable license agreement;

2124 (2) Each grant of revocable license shall provide that, regardless of any and all
2125 improvements and investments made, consideration paid, or expenses and harm incurred
2126 or encountered by the licensee, the same shall not confer upon the licensee any right, title,
2127 interest, or estate in the licensed premises nor confer upon the licensee a license coupled
2128 with an interest or an easement, such grant of a revocable license conferring upon the
2129 licensee and only the licensee a mere personal privilege revocable by the GSA, with or
2130 without cause, at any time during the life of the revocable license;

2131 (3) Each grant of revocable license shall be made for an adequate monetary consideration
2132 of not less than \$650.00, the adequacy of which shall be determined by the GSA in
2133 considering the factors involved in each grant, particularly for whose principal benefit the
2134 revocable license is being granted; however, if the GSA determines that the revocable
2135 license directly benefits the state, then any monetary consideration set by the GSA shall
2136 be deemed adequate; and

2137 (4) Any grant of revocable license shall be subject to approval by any appropriate state
2138 regulatory agency that the proposed use of the licensed property meets all applicable
2139 safety and regulatory standards and requirements.

2140 (c) This Code section shall not be construed or interpreted as amending, conflicting with,
2141 or superseding any or all of Code Section 46-5-1, relating to the construction of telegraph
2142 or telephone lines.

2143 (d) This Code section shall not apply to the issuance or renewal of revocable licenses or
2144 permits for the construction and maintenance of boat docks on High Falls Lake. Such
2145 revocable licenses or permits shall be issued by the Department of Natural Resources
2146 pursuant to Code Section 12-3-34.

2147 50-5-172.

2148 (a) The GSA for and on behalf of and in the name of the state is authorized to enter into,
2149 without the necessity of prior public competitive bidding, a written contract with any
2150 person, whereby such person is permitted to explore any state owned lands for indications
2151 of mineral resources.

2152 (b) The GSA for and on behalf of and in the name of the state is further authorized to lease
2153 to any person the mineral resources located on state owned lands and to execute, grant, and
2154 convey to such person a lease upon such terms and conditions and permitting such
2155 operations as the GSA shall determine to be in the best interest of the state including, but
2156 not limited to:

2157 (1) The exclusive right to drill, dredge, and mine on the leased premises for mineral
2158 resources and to produce and appropriate any and all of the same therefrom;

2159 (2) The right to use, free of charge, mineral resources and water from the leased premises
2160 in conducting operations thereon and in treating to make marketable the products
2161 therefrom;
2162 (3) The right to construct and use on the leased premises telephone and telegraph
2163 facilities, pipelines, and other facilities necessary for the transportation and storage of
2164 mineral resources produced therefrom;
2165 (4) The right to construct and use such canals and roads as are necessary for lessee's
2166 operations under the lease; and
2167 (5) The right to remove at any time from the leased premises any property placed thereon
2168 by lessee.
2169 (c) When any person shall desire to lease any state owned lands pursuant to this Code
2170 section, application therefor shall be made to the GSA in writing. The application shall
2171 include an accurate legal description and a locational, dimensional, and directional sketch
2172 acceptable to the GSA or a plat of survey of the land sought to be leased and such other
2173 information as the GSA may require and shall further include a certified check for \$50.00
2174 which shall be deposited with the GSA as evidence of the good faith of the applicant,
2175 which sum shall only be returned to an applicant who bids for but fails to secure a lease.
2176 (d) When the GSA shall desire to lease state owned lands, or upon receipt of an application
2177 by any person desiring to lease any state owned lands, the GSA shall make an inspection
2178 of the land sought to be leased and such geophysical and geological surveys thereof as the
2179 GSA may deem necessary. The GSA, after receiving a report on the nature, character,
2180 surroundings, and mineral resource value of the land, may offer for lease, through public
2181 competitive bidding, all or any portion of the land described in the application. The GSA
2182 shall cause to be published once a week for two consecutive weeks in the legal organ and
2183 in one or more newspapers of general circulation in the county or counties wherein is
2184 situated the land to be bid upon and in the legal organ of Fulton County an advertisement
2185 of an invitation for bids setting forth therein an accurate legal description of the land
2186 proposed to be leased; the date, time, and place when and where bids therefor will be
2187 received; and such other information as the GSA may deem necessary. Prior to the
2188 advertising, the GSA shall prepare a proposed form of lease and appropriate instructions
2189 which shall be furnished to prospective bidders under such conditions as the GSA may
2190 prescribe. Sealed bids shall be submitted to the GSA and each bid shall be accompanied
2191 by a bid bond or such other security as may be prescribed by the GSA.
2192 (e) All bids shall be opened in public on the date and at the time and place specified in the
2193 advertisement of the invitation for bids. The GSA shall formally determine and announce
2194 which bid and bidder it considers to be most advantageous to the state. The GSA shall

2195 have the right to reject any or all bids and bidders and the right to waive formalities in
2196 bidding.

2197 (f) The GSA, acting for and on behalf of and in the name of the state, is authorized to
2198 execute, grant, and convey a lease pursuant to this Code section on any state owned land
2199 to any state agency without the necessity of complying with the public competitive bid
2200 procedure stated in this Code section; provided, however, the mineral resources so mined,
2201 dredged, and removed from the state owned land must be utilized on projects of the state
2202 agency.

2203 (g) Each lease granted under this Code section after competitive bidding shall provide for
2204 a primary term of not more than ten years and shall provide for a royalty on production
2205 therefrom of not less than one-eighth part of any oil produced and saved, or the value of
2206 same, and one-eighth part of the gas, or the value of same, that may be produced from and
2207 is sold or used off the premises. The lease shall provide for delay rentals in the sum of at
2208 least 10¢ per net mineral acre payable on or before the first anniversary date of the lease,
2209 25¢ per net mineral acre payable on or before the second anniversary date of the lease, 50¢
2210 per net mineral acre payable on or before the third anniversary date of the lease, and at least
2211 \$1.00 per net mineral acre payable on or before each subsequent anniversary date during
2212 the primary term of the lease. The lease may contain such other provisions, including
2213 provisions for offset drilling, protection from drainage, pooling, and lease maintenance by
2214 resumption of interrupted delay rental payments, operations for drilling, production, and
2215 force majeure, as may be desired or determined appropriate by the GSA.

2216 (h) An electric log of each development well shall be filed with the GSA and with the
2217 Department of Natural Resources within 30 days after the well has been completed or
2218 abandoned. An electric log of each exploratory well shall be filed with the GSA within six
2219 months after the completion or abandonment of the well; but, if the operator of the well
2220 requests that the log be treated as confidential, the request for confidentiality shall be
2221 honored strictly for an additional period of six months; provided, however, that nothing in
2222 this article shall be construed so as to repeal any requirement of Part 2 of Article 2 of
2223 Chapter 4 of Title 12.

2224 (i) The development and operation of oil and gas wells on state owned lands shall be done,
2225 so far as practicable, in such manner as to prevent the pollution of water; destruction of
2226 fish, oysters, and marine life; and the obstruction of navigation.

2227 (j) Notwithstanding any other provisions of this Code section to the contrary, when it is
2228 determined to be in the best interest of the state, the GSA, acting for and on behalf of and
2229 in the name of the state, is further authorized and empowered to grant and convey to any
2230 person a lease which authorizes the person to dredge a portion of the bottom or bank of a

state owned waterway or waters and to appropriate any and all products from such dredging, subject to the following conditions:

(1) A written request for a lease and a locational, dimensional, and directional sketch or a plat of survey of the proposed lease premises, prepared at the sole cost and expense of the person requesting the lease, in form and content acceptable to and approved by the GSA, and showing and describing thereon the lease premises of the lease, must be received by the GSA detailing therein the reason and all the particulars for the request and outlining the purpose and use to be made of any and all products derived from such dredging. If a sketch is submitted to and is approved and accepted by the GSA, paragraph (3) of subsection (b) of Code Section 50-16-122, relating to the requirement of the filing with the Secretary of State of a plat of survey with a conveyance disposing of real property, shall be relaxed; and the Secretary of State in such a transaction shall accept in lieu of the required plat of survey the sketch which was approved and accepted by the GSA;

(2) The GSA shall forward for comment and advice to the Department of Natural Resources and to the state agency, department, authority, commission, official, or board (if other than the Department of Natural Resources) that has current custody and control of the proposed lease premises, the written request and sketch or plat of survey received by the GSA;

(3) The GSA shall investigate, require compliance with all conditions laid down by the GSA, and determine the form and all of the terms, conditions, provisions, and considerations of, incorporations in, and attachments to each such lease negotiated, prepared, executed, and issued (granted and conveyed) by the GSA; provided, however, that the term of any such lease shall not exceed five years and provided, further, that any such lease shall contain a provision requiring that any activity undertaken pursuant to the lease be in compliance with the applicable provisions of all state environmental or natural resources laws administered or enforced by the Department of Natural Resources or its successor and with all applicable policies of the Georgia Coastal Management Board or its successor;

(4) Both the Department of Natural Resources and any state agency, department, authority, commission, official, or board that has current custody and control of the proposed lease premises must execute the written grant and conveyance of lease, each indicating by the execution that it has no objection to the granting and conveying of the lease; and

(5) The form of execution by the GSA which is acting for and on behalf of and in the name of the state of each such lease shall be as follows:

STATE OF GEORGIA
Acting By And Through The
General Services Administration
By: _____ (Seal)
Name: _____
Title: Commissioner of the
General Services Administration
Attest: _____ (Seal)
Name: _____
Title: Secretary of State
(State Seal)

Signed, sealed, and
delivered in
the presence of:

Witness

Notary public
My commission expires _____.
(Notary public seal impressed here)

(k)(1) As used in this subsection, the term:
(A) 'Eligible person' means any person who is the owner of the oil and gas interests in
lands adjoining the state owned land sought to be leased by said person such that at
least 75 percent of the boundary of the state owned land sought to be leased is bordered
by said adjoining lands.
(B) 'Oil and gas' shall include affiliated hydrocarbons and gases.
(C) 'Owner of the oil and gas interests in lands' means the person or persons who have
the right to drill for oil and gas on those lands and appropriate the production either for
themselves and another or others.
(2) Notwithstanding any other provisions of this Code section to the contrary, when it
is determined by the GSA to be in the best interests of the State of Georgia, the GSA,
acting for and on behalf of and in the name of the State of Georgia, is authorized to grant
and convey to any eligible person an oil and gas lease which authorizes such person to
extract and remove from state owned lands all oil, gas, and affiliated hydrocarbons and

gases without the necessity of complying with the public competitive bid procedure set forth in this Code section, subject to and upon the following conditions:

(A) Upon application by any interested person for an oil and gas lease pursuant to this subsection, the GSA shall determine whether or not the applicant is an eligible person. If the GSA determines that the applicant is an eligible person, then the GSA is authorized to grant and convey to the applicant an oil and gas lease covering the state owned land sought to be leased and described in the application without the necessity of complying with the public competitive bid procedure set forth in this Code section. Nothing in this subsection shall prevent the GSA from complying with the public competitive bid procedure set forth in this Code section when leasing the state owned land described in the application or any other state owned land if it finds such procedure to be in the best interests of the State of Georgia;

(B) The application for the oil and gas lease shall be in writing and shall contain a request for an oil and gas lease; a description of the state owned land sought to be leased; a locational, dimensional, and directional sketch in a form acceptable to the GSA or a plat of survey of the state owned land sought to be leased; a true statement that the applicant is the owner of the oil and gas interests in lands adjoining the state owned land sought to be leased such that at least 75 percent of the boundary of the state owned land sought to be leased is bordered by said adjoining lands; copies of all oil and gas leases or deeds to the lands adjoining the state owned lands sought to be leased and by which the applicant claims the ownership of the oil and gas interests; and a list of the names and addresses of all owners of the oil and gas interests in the lands adjoining the state owned land sought to be leased describing the nature of their interest. The entire application shall be in a form acceptable to the GSA;

(C) Any lease granted to any person pursuant to this subsection shall be subject to subsection (g) of this Code section;

(D) Prior to the execution of any oil and gas lease pursuant to this subsection, the GSA shall enter into an agreement with the department or agency which has legal title to or custody of the state owned lands sought to be leased. The agreement shall contain the department's or agency's certification that the state owned land is available for leasing and such other terms and provisions which the parties to the agreement deem necessary to protect the state owned land; and

(E) The form of execution by the commissioner, who is acting for and on behalf of and in the name of the State of Georgia, of each oil and gas lease shall be as set forth in paragraph (5) of subsection (j) of this Code section.

2336 50-5-173.

2337 (a) The GSA, acting for and on behalf of and in the name of the state, is empowered to
2338 take or damage by condemnation and the power of eminent domain for the public purposes
2339 of the state any private property upon first paying or tendering just and adequate
2340 compensation to the owner of such private property. The power of eminent domain shall
2341 be cumulative of any other power of eminent domain provided by law. Condemnation
2342 proceedings by the GSA, acting for and on behalf of and in the name of the state, shall take
2343 the form provided in Chapter 1 of Title 22 and Articles 1 and 2 of Chapter 2 of Title 22 or
2344 the form provided in Article 3 of Chapter 2 of Title 22. The power of condemnation and
2345 eminent domain to take or damage private property authorized by this Code section shall
2346 neither supersede nor abridge the powers of condemnation and eminent domain to take or
2347 damage private property given severally to the Department of Transportation and the Board
2348 of Regents of the University System of Georgia.

2349 (b) The GSA, acting for and on behalf of and in the name of the state, is also authorized
2350 to acquire public property or an interest therein by condemnation and the power of eminent
2351 domain when such acquisition is approved by the State Commission on the Condemnation
2352 of Public Property. Condemnation proceedings by the GSA shall take the form provided
2353 in Article 3 of Chapter 2 of Title 22. As used in this subsection, the term 'public property'
2354 has the same meaning provided for in Code Section 50-16-180.

2355 50-5-174.

2356 The Department of Natural Resources is authorized to convey to municipalities, counties,
2357 or combinations thereof, in the name of the state, by appropriate instrument, all of the
2358 state's interest in any real property donated to the department at any time, in parcels not
2359 exceeding three acres, to be used for the construction and operation thereon of
2360 boat-launching ramps without the prior approval of the GSA. The conveyance may be
2361 made without prior appraisal, without a plat, and without public bidding procedures and
2362 shall be made for nominal consideration or such consideration as may be agreed upon
2363 between the department and the other party or parties to the conveyance.

2364 50-5-175.

2365 The Department of Natural Resources, the Public Service Commission, and all other state
2366 agencies are requested and directed to provide such technical assistance and services as
2367 shall be requested and needed by the GSA in the execution and performance of its duties
2368 under this article.

2369 50-5-176.

2370 This article shall be liberally construed so as to effectuate the purposes of the article."

2371 **SECTION 1-2.**

2372 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
2373 is amended by revising Chapter 20, relating to personnel administration, as follows:

2374 "CHAPTER 20

2375 ARTICLE 1

2376 45-20-1.

2377 (a) It is the purpose of this article to establish in the state a system of personnel
2378 administration which will attract, select, and retain the best employees based on merit, free
2379 from coercive political influences, with incentives in the form of equal opportunities for
2380 all; which will provide technically competent and loyal personnel to render impartial
2381 service to the public at all times and to render such service according to the dictates of
2382 ethics and morality; and which will remove unnecessary and inefficient employees. It is
2383 specifically the intent of the General Assembly to promote this purpose by allowing
2384 agencies greater flexibility in personnel management so as to promote the overall
2385 effectiveness and efficiency of state government. To this end, and in accordance with Code
2386 Sections 45-20-2 and 45-20-6, all positions filled after July 1, 1996, shall be included in
2387 the unclassified service ~~of the State Personnel Administration~~ as defined in this article,
2388 except as provided in Code Section 15-11-24.3. It is also specifically the intent of the
2389 General Assembly that employees in the classified service prior to July 1, 1996, shall
2390 continue to be employees in the classified service so long as they remain in classified
2391 positions or as otherwise provided by law. It is further specifically the intent of the General
2392 Assembly that state government operate within a framework of consistent core personnel
2393 policies and practices across all state agencies and entities and that the state's most valued
2394 resource, its employees, be managed in a manner to promote work force productivity and
2395 sound business practices.

2396 (b) In order to achieve these purposes, it is the policy of the state that agencies treat all
2397 employees in accordance with the following principles:

2398 (1) Assuring fair treatment of applicants and employees in all aspects of personnel
2399 administration without regard to race, color, national origin, sex, age, disability, religious
2400 creed, or political affiliations. This 'fair treatment' principle includes compliance with all
2401 state and federal equal employment opportunity and nondiscrimination laws;

- 2402 (2) Recruiting, selecting, and advancing employees on the basis of their relative ability,
 2403 knowledge, and skills, including open consideration of qualified applicants for initial
 2404 employment;
- 2405 (3) Providing equitable and adequate compensation based on merit, performance, job
 2406 value, and competitiveness within applicable labor markets;
- 2407 (4) Training employees, as needed, to assure high quality performance and to provide
 2408 work force skills needed to maintain and advance the state's goals and objectives;
- 2409 (5) Retaining employees on the basis of the adequacy of their performance, correcting
 2410 inadequate performance where possible and appropriate, and separating employees whose
 2411 performance is inadequate; and
- 2412 (6) Assuring that employees are protected against coercion for partisan political purposes
 2413 and are prohibited from using their official authority for the purpose of interfering with
 2414 or affecting the result of an election or nomination for office.
- 2415 (c) It shall be the responsibility of the ~~State Personnel Administration~~ Georgia Services
 2416 Administration to perform the following functions:
- 2417 (1) Establish and maintain a state-wide system of pay ranges for all job classes;
- 2418 (2) Define job classes, establish associated minimum qualifications for those classes, and
 2419 assign those classes to appropriate pay ranges;
- 2420 (3) Develop and maintain a common employment application form to be used by all
 2421 applicants for state employment; which ~~form~~ may be supplemented as necessary by
 2422 agencies in seeking information about agency job classes;
- 2423 (4) Serve as the central contact point for all potential employees in order to streamline
 2424 state-wide recruiting for applicants, to provide for a state-wide applicant data base, to
 2425 refer applicants to agencies, and make applicant data available to agencies for review and
 2426 consideration;
- 2427 (5) ~~Upon request, develop~~ Develop, validate, or develop and validate applicant screening
 2428 devices being utilized by agencies;
- 2429 (6) ~~Upon request, administer~~ Administer screening devices on behalf of agencies;
- 2430 (7) Make employment related training available to agencies and allow agencies the
 2431 opportunity to provide input into the nature and scope of said training programs;
- 2432 (8) In consultation with agencies, establish state-wide criteria for the implementation of
 2433 rules and policies adopted by the ~~State Personnel Board~~ commissioner of the Georgia
 2434 Services Administration which agencies shall use in developing internal processes for
 2435 classification, compensation, pay for performance, and performance management,
 2436 including processes involved in defining job classes, establishing and applying associated
 2437 minimum qualifications, assigning jobs to appropriate state-wide pay ranges, developing
 2438 and applying applicant screening methods, and measuring worker effectiveness;

2439 (9) Audit agencies' processes as referred to in paragraph (8) of this subsection and report
 2440 findings annually to the Governor and the General Assembly in conjunction with an
 2441 annual report on the overall status of the state work force. The ~~State Personnel~~
 2442 ~~Administration~~ Georgia Services Administration shall not be required to distribute copies
 2443 of the findings or annual report referred to in this paragraph to the members of the
 2444 General Assembly but shall notify the members of the availability of the materials in the
 2445 manner which it deems to be most effective and efficient;

2446 (10) Serve as consultant to agencies on work force planning and effective work force
 2447 strategies, provide technical support assistance, and direct services to agencies as
 2448 requested; and

2449 (11) Maintain and make available to the public at large a state-wide central registry of
 2450 employment vacancies and job announcements in state government as provided to the
 2451 ~~State Personnel Administration~~ Georgia Services Administration by agencies.

2452 (d) Subsection (c) of this Code section shall not apply to the legislative or judicial
 2453 branches or to the board of regents.

2454 (e) Each agency shall develop an annual work force plan according to state-wide criteria
 2455 and guidelines and shall provide a report of such plan annually to the ~~State Personnel~~
 2456 ~~Administration~~ Georgia Services Administration for incorporation into the state-wide work
 2457 force plan to be submitted to the Governor and the General Assembly by December 31 of
 2458 each year for the subsequent fiscal year.

2459 (f) In the event agencies do not use a competitive civil service examination to fill some or
 2460 all of their unclassified positions, it is expressly the intent of the General Assembly that
 2461 appropriate consideration be given to veterans as defined under Article IV, Section III,
 2462 Paragraph II of the Constitution of Georgia and Article 2 of Chapter 2 of this title in the
 2463 filling of job vacancies in this state. Guidelines defining consideration practices shall be
 2464 developed at the state level. Agencies shall specify agency policies and practices to
 2465 implement appropriate consideration of military veterans in filling agency job vacancies.

2466 (g) The rules of statutory construction contained in Chapter 3 of Title 1, relating to general
 2467 provisions concerning the construction of statutes, as now or hereafter amended, shall
 2468 apply to this article.

2469 45-20-2.

2470 As used in this chapter, the term:

2471 (1) 'Appointing authority' means the person or groups of persons authorized by law or
 2472 delegated authority to make appointments to fill positions.

2473 (2) 'Classified service' means that employment status conferring rights of appeal, as set
 2474 forth in Code Sections 45-20-8 and 45-20-9. 'Classified service' includes only those

2475 employees of state departments as defined in this Code section who were in the classified
 2476 service as of June 30, 1996, and who have remained in classified positions without a
 2477 break in service since that date.

2478 ~~(3) 'Commissioner of personnel administration' and 'commissioner' mean the chief~~
 2479 ~~executive officer of the State Personnel Administration who is responsible for~~
 2480 ~~administering the state personnel program in accordance with applicable state and federal~~
 2481 ~~laws and the policies and rules of the State Personnel Board.~~

2482 ~~(4)~~ 'Classified employee' means an employee who was in the classified service as of June
 2483 30, 1996, and who has remained in a classified position without a break in service since
 2484 that date.

2485 ~~(5)~~(4) 'Classified position' means a position that was classified on June 30, 1996, and that
 2486 subsequent to June 30, 1996, has not been held by an unclassified employee.

2487 (5) 'Commissioner' means the commissioner of the Georgia Services Administration
 2488 provided for in Chapter 5 of Title 50.

2489 (6) 'Department' and 'agency' are synonymous and mean all separate and distinct
 2490 divisions and subdivisions of state government whose heads are legally authorized to
 2491 appoint employees to positions; but these terms shall not include authorities, public
 2492 corporations, the legislative and judicial branches, and the board of regents. 'Department'
 2493 and 'agency' shall include an agency assigned to a department for administrative purposes
 2494 and shall also include local departments of public health, county departments of family
 2495 and children services, community service boards, and units of the Department of Defense
 2496 with local employees.

2497 (7) 'Employment at will' means an employment relationship in which either party to the
 2498 relationship may sever the relationship at any time for any reason other than an unlawful
 2499 reason.

2500 (8) 'Georgia Services Administration' or 'GSA' means the state agency created under
 2501 Chapter 5 of Title 50.

2502 ~~(8)~~(9) 'Position' means a set of duties and responsibilities assigned or delegated by
 2503 competent authority for performance by one person.

2504 ~~(9)~~(10) 'Rules and regulations' and ~~'merit system rules and regulations'~~ mean means the
 2505 governing provisions ~~of the State Personnel Administration~~ for administration of this
 2506 chapter, as adopted by the ~~State Personnel Board~~ and approved by the Governor which
 2507 ~~give force and effect to the policies of the State Personnel Board~~ commissioner and
 2508 approved by the Governor; provided, however, that the rules and regulations formerly
 2509 adopted by the State Personnel Board shall remain in effect until amended or superseded
 2510 by the commissioner.

2511 ~~(10)~~(11) 'State Personnel Board' and 'board' are synonymous and mean the body
 2512 authorized by Article IV, Section III, Paragraph I of the Constitution of Georgia.

2513 ~~(11) 'State Personnel Board policies' means those policies adopted by the board and~~
 2514 ~~approved by the Governor which describe the goals and objectives of the state personnel~~
 2515 ~~program and serve as a basis for the formulation and administration of the merit system~~
 2516 ~~rules and regulations.~~

2517 (12) 'Unclassified service' means employment at will and includes all employees except
 2518 those in the classified service as defined in this Code section.

2519 (13) 'Working test' or 'working test period' means a probationary period of employment
 2520 in a classified position during which the employee must demonstrate to the satisfaction
 2521 of the appointing authority that he or she has the knowledge, ability, aptitude, and other
 2522 necessary qualities to perform satisfactorily the duties of the position in which employed.
 2523 The working test period shall apply to each promotion of a classified employee to a
 2524 classified position. The commissioner may fix the length of the working test period for
 2525 any job at not less than six months nor more than 18 months exclusive of any time in
 2526 nonpay status; provided, however, that the length of the working test period for troopers
 2527 of the Uniform Division of the Department of Public Safety shall be 18 months.

2528 (14) 'Working test employee' or 'employee on working test' means a classified employee
 2529 serving a working test period in the position in which he or she is employed; provided,
 2530 however, that an employee serving a working test period following a promotion in the
 2531 same department from a lower class in which he or she had successfully completed a
 2532 working test period shall retain appeal rights in the lower class until he or she
 2533 successfully completes the working test period in the job to which he or she has been
 2534 promoted.

2535 45-20-3.

2536 (a)(1) The State Personnel Board shall prescribe ~~the guidelines~~ policy direction by which
 2537 the state's personnel policies shall be administered. The state's personnel policies shall
 2538 constitute a state merit system of personnel administration subject to governance by the
 2539 commissioner under the policy direction provided by the board. The board shall hold
 2540 regular meetings as needed for the proper discharge of its duties.

2541 (2) Members of the board shall receive no salary but shall receive the same expense
 2542 allowance per day as that received by a member of the General Assembly for each day
 2543 such member is attending meetings or performing official business for the board, plus
 2544 reimbursement for actual transportation costs while traveling by public carrier or the legal
 2545 mileage rate for the use of a personal automobile in connection with such attendance or
 2546 official business.

2547 (3) Three members shall constitute a quorum. Only the votes of a majority of the
 2548 members present shall be necessary for the transaction of any business or discharge of
 2549 any duties of the State Personnel Board, provided there is a quorum.

2550 (b) It shall be the specific duty and function of the ~~State Personnel Board~~ GSA:

2551 (1) To represent the public interest in the improvement of personnel administration in all
 2552 state departments;

2553 (2) To determine appropriate human resource management goals and objectives and
 2554 prescribe policies for their accomplishment;

2555 (3) At public hearings, to adopt and amend policies, rules, and regulations effectuating
 2556 the ~~State Personnel Administration~~ and the state's personnel policies and practices subject
 2557 to approval by the Governor. ~~Notice of State Personnel Board meetings shall be released~~
 2558 ~~to all departments and agencies and shall be prominently posted at the office of the State~~
 2559 ~~Personnel Administration at least ten days prior to each board meeting;~~

2560 (4) Where the ~~board~~ GSA deems a review appropriate, for employees of the classified
 2561 service, to ensure that a review is afforded on a dismissal and other adverse personnel
 2562 actions defined by the rules and regulations ~~of the State Personnel Board~~. All appeals
 2563 determinations of the ~~board~~ GSA shall be written and documented as to findings of fact,
 2564 bases for decisions, and prescribed remedies;

2565 (5) To assure the administration of state and federal laws relating to state personnel
 2566 administration; and

2567 ~~(6) To establish an annual budget covering all the costs of State Personnel Board~~
 2568 ~~operations, said budget to be incorporated as a component of the annual budget of the~~
 2569 ~~State Personnel Administration; and~~

2570 ~~(7)~~(6) To promote public understanding of the purposes, policies, and practices of ~~the~~
 2571 ~~State Personnel Administration~~ state personnel system and to advise and assist the several
 2572 state departments in fostering merit selection and securing the interest of institutions of
 2573 learning and of civic, professional, and other organizations in the improvement of
 2574 personnel standards under the state's personnel system.

2575 45-20-3.1.

2576 (a) At least 30 days prior to the date of a public hearing held to consider the adoption of
 2577 rules or regulations to effectuate this chapter, the ~~State Personnel Board~~ commissioner shall
 2578 transmit a notice containing an exact copy of the proposed rule or regulation to each
 2579 member of the ~~State and Local Governmental Operations~~ Government Oversight
 2580 Committee of the Senate and the House Committee on Governmental Affairs ~~Committee~~
 2581 ~~of the House of Representatives~~. The notice shall provide a citation to the authority
 2582 pursuant to which the proposed rule or regulation is to be adopted and, if it amends an

existing rule or regulation, such existing rule or regulation shall be clearly identified. The notice shall also state the date, time, and place of the public hearing at which adoption of the proposed rule shall be considered.

(b) If, prior to the date of the public hearing at which the proposed rule or regulation is to be considered for adoption, the ~~chairman~~ chairperson of either legislative committee specified in subsection (a) of this Code section notifies the commissioner ~~of personnel administration and the State Personnel Board~~ that the committee objects to the adoption of the proposed rule or regulation or has questions concerning the purpose, nature, or necessity of the proposed rule or regulation, it shall be the duty of the ~~State Personnel Board~~ commissioner to consult with the committee prior to the adoption of the proposed rule or regulation.

(c) If the ~~State Personnel Board~~ commissioner finds that the immediate adoption of a rule or regulation is necessary to secure or protect the interests of the ~~State Personnel Administration~~ GSA, such rule or regulation may be adopted on an emergency basis without following the procedures required by this Code section. In that event, the ~~State Personnel Board~~ commissioner shall adopt a resolution declaring the existence of an emergency and explaining the basis for such declaration as a condition necessary to adopt a rule or regulation on an emergency basis. Any rule or regulation adopted pursuant to the authority of this subsection shall expire in not more than 120 days immediately following its adoption, but the adoption of an identical rule pursuant to the requirements of this Code section shall not be precluded.

(d) Reserved. ~~By not later than August 1, 1985, the State Personnel Board shall file with the Secretary of State a certified copy of all rules or regulations which were adopted by said board prior to July 1, 1985, and which are of force and effect on July 1, 1985, or which were adopted prior to July 1, 1985, to become effective after that date. Any rule or regulation adopted by the State Personnel Board prior to July 1, 1985, which is not filed with the Secretary of State by August 1, 1985, shall be void and of no force and effect after August 1, 1985.~~

(e) Each rule or regulation adopted by the ~~State Personnel Board~~ commissioner on or after July 1, ~~1985~~ 2010, shall when approved by the Governor become effective upon ~~approval by the Governor~~ adoption by the commissioner or such later date as is specified in the rule or regulation. The commissioner ~~of personnel administration~~ shall immediately file an original and two copies of the rule or regulation in the office of the Secretary of State.

(f) Rules or regulations filed with the Secretary of State pursuant to ~~subsections (d) and subsection~~ (e) of this Code section shall contain a citation to the authority pursuant to which the rules or regulations are adopted and, when existing rules or regulations are amended, the filings ~~required by said subsections (d) and (e)~~ shall clearly identify the

existing rules or regulations. The Secretary of State shall endorse on each filing ~~required by subsections (d) and (e) of this Code section~~ the time and date of the filing and shall maintain a file of the rules and regulations for public inspection.

(g) Rules and regulations filed with the Secretary of State pursuant to the requirements of subsections ~~(d), (e),~~ and (f) of this Code section shall be published by the Secretary of State as a part of the rules of state agencies published by the Secretary of State pursuant to Code Section 50-13-7.

(h) The courts shall take judicial notice of any rule which has become effective pursuant to this chapter.

45-20-4.

~~(a) There is created the position of commissioner of personnel administration. The commissioner shall be appointed by the Governor after consultation with the State Personnel Board subject to confirmation by the Senate. The Governor shall fix the compensation of the commissioner, who shall serve at the pleasure of the Governor.~~

(b) The duties and responsibilities of the commissioner in the administration of this chapter shall be:

~~(1) To serve as executive secretary to the board, to attend meetings as directed by the board, and to provide such professional, technical, and other supportive assistance as may be required by the board in the performance of its duties;~~

~~(2) Consistent with board policy, to administer the operations of the State Personnel Administration and to otherwise act in the capacity of chief executive officer of the state personnel administration program;~~

~~(3)~~(1) To submit to the Governor the adopt rules and regulations ~~adopted by the State Personnel Board effectuating the State Personnel Administration.~~ Such rules and regulations ~~when approved by the Governor~~ shall have the force and effect of law and shall be binding upon the state departments covered by this article and shall include provisions for the establishment and maintenance of classification and compensation plans, the conduct of examinations, appointments, promotions, transfers, demotions, appeals of classified employees, reports of performance, payroll certification, and other phases of personnel administration. Such rules and regulations shall define and prohibit improper political activity by any departmental employee of the ~~State Personnel Board~~ Georgia Services Administration or any employee covered under the terms of this article and shall provide that there shall be no discrimination for or against any person or employee in any manner, to include, but not be limited to, hiring, discharge, compensation, benefits, terms or conditions of employment, promotion, job classification, transfer, privileges, or demotion because of political affiliation, religious affiliation, race,

2656 creed, national origin, sex, age between 40 and 70 years, or physical disability. Such
 2657 rules and regulations shall conform to the minimum standards for merit systems of
 2658 personnel administration as specified by those federal departments from which federal
 2659 funds are obtained for use by the several state departments covered by this article.
 2660 Compensation plans and modifications thereto promulgated under the rules and
 2661 regulations of the commissioner shall become effective as adopted upon approval of the
 2662 director of the Office of Planning and Budget;
 2663 ~~(4)(2)~~ To administer the rules and regulations ~~and all other operational aspects of the~~
 2664 ~~State Personnel Administration~~ and to assure compliance therewith in all departments;
 2665 ~~(5)(3)~~ To appoint and prescribe the duties of ~~the merit system~~ GSA staff;
 2666 ~~(6)(4)~~ To establish ~~an annual budget covering all the costs of operating the State~~
 2667 ~~Personnel Administration including the State Personnel Board, and the costs of~~
 2668 ~~administering such federal laws relating to personnel administration as the Governor may~~
 2669 ~~direct including the Intergovernmental Personnel Act of 1970, and to determine an~~
 2670 ~~equitable basis of prorating the annual costs among the several departments covered~~
 2671 ~~served by the State Personnel Administration~~ GSA based on each department's pro rata
 2672 share of services provided, with the amounts and rates for such services to be established
 2673 in each general or amended appropriations Act, provided that upon approval of such
 2674 budget by the Governor, the Governor shall be empowered to direct that the necessary
 2675 pro rata share of the several assessed departments concerned be made available for
 2676 expenditure by the State Personnel Administration in the same manner as appropriated
 2677 funds are expended by other departments of the state;
 2678 ~~(7)(5)~~ To ensure compliance with all applicable state and federal statutes and regulations
 2679 concerning discrimination in employment, personnel administration, and related matters;
 2680 and
 2681 ~~(8)(6)~~ To cooperate with appointing authorities in the administration of this article in
 2682 order to promote public service and establish conditions of service which will attract and
 2683 retain employees of character and ability and to increase efficiency and economy in
 2684 governmental departments by improving the methods of personnel administration with
 2685 full recognition of the requirements and needs of management; and.
 2686 ~~(9)~~ To appoint and prescribe the duties of a deputy commissioner of personnel
 2687 administration who shall be the second highest executive officer in the State Personnel
 2688 Administration and the deputy executive secretary to the State Personnel Board; and to
 2689 appoint and prescribe the duties of such other assistant commissioners of personnel
 2690 administration as the commissioner deems appropriate. The deputy commissioner and
 2691 the assistant commissioners shall have the authority to perform any duty assigned to the
 2692 commissioner if delegated to them by the commissioner.

2693 45-20-5.

2694 Reserved.

2695 ~~(a) There is created the Council for State Personnel Administration. The objectives of the~~
2696 ~~council shall be:~~

2697 ~~(1) To promote improvements in the personnel program in state government;~~

2698 ~~(2) To provide a forum for the interchange of information relating to the state personnel~~
2699 ~~program;~~

2700 ~~(3) To serve as a channel through which the operating agencies may express their~~
2701 ~~opinions on matters affecting state personnel;~~

2702 ~~(4) To seek equitable interpretation and application of the laws, rules, regulations,~~
2703 ~~policies, and procedures which affect state personnel management and administration;~~
2704 ~~and~~

2705 ~~(5) To strive for professional consensus consistent with the democratic process in all~~
2706 ~~actions which it may undertake.~~

2707 ~~(b) Membership in the council shall be as defined in the bylaws of the council.~~

2708 ~~(c) The council is authorized to adopt bylaws which prescribe its organizational structure,~~
2709 ~~officers and terms and conditions of office, meeting schedules, and such other~~
2710 ~~organizational and operational procedures as are necessary for its lawful and effective~~
2711 ~~functioning. As the professional association authorized to represent the interests of the~~
2712 ~~several departments in the area of state personnel administration, the council shall through~~
2713 ~~its offices have direct access to the board, the commissioner, the Governor, and the General~~
2714 ~~Assembly to present grievances, suggestions, and recommendations.~~

2715 45-20-6.

2716 (a) The classified service as defined by Code Section 45-20-2 shall consist of only those
2717 employees who were in the classified service on June 30, 1996, and who have remained
2718 in a classified position without a break in service since that date. Any officer or employee
2719 who ~~occupies~~ occupied a classified position under the State Personnel Administration prior
2720 to July 1, 1996, or as provided in Code Section 15-11-24.3 shall remain in the classified
2721 service so long as such officer or employee shall remain in a classified position or as
2722 otherwise provided by law. Employees in the classified service shall have, upon
2723 completing a working test period, appeal rights as provided in Code Sections 45-20-8 and
2724 45-20-9.

2725 (b) The unclassified service as defined by Code Section 45-20-2 shall consist of all
2726 employees in the departments of state government not included in the classified service
2727 under this article. Employees in the unclassified service shall be employees at will and
2728 shall not be afforded appeal rights.

2729 (c) Exclusion from the classified service shall not exclude any employee, officer, or
2730 official from eligibility for membership or membership in the Employees' Retirement
2731 System of Georgia, provided that such employee, officer, or official is otherwise eligible
2732 for membership under Chapter 2 of Title 47.

2733 (d) It is the intent of the General Assembly that employees in the classified service be
2734 required to serve a working test period before they obtain rights of appeal and that the
2735 successful completion of this probationary period is part of the employment examination
2736 procedure. Each employee serving in a working test period shall be provided with
2737 management review by the appointing authority within ten calendar days of the date the
2738 employee has completed one-half of the working test period or as near to such date as is
2739 practicable. The management review shall include an evaluation of the employee's
2740 progress and recommendations, if any, for corrective action. The provision of management
2741 review pursuant to this subsection is solely for the purpose of promoting efficient
2742 management and employee development and shall not be interpreted as granting any
2743 additional rights to a working test employee. The ~~State Personnel Board~~ commissioner
2744 shall be responsible for adopting and amending rules and regulations establishing the
2745 guidelines to be used by the appointing authority in completing the management review
2746 pursuant to this subsection.

2747 45-20-7.

2748 Reserved.

2749 45-20-8.

2750 (a) Classified employees who have successfully completed a working test period may be
2751 dismissed from employment or otherwise adversely affected as to compensation or
2752 employment status only if such action is taken in accordance with the rules and regulations
2753 ~~of the State Personnel Board~~ governing adverse actions and appeals for classified
2754 employees.

2755 (b) This article is not intended to create a property interest in the job, but rather to create
2756 only a procedure under which classified employees can be dismissed or otherwise
2757 adversely affected. The procedure adopted for dismissing a classified employee from
2758 employment or otherwise adversely affecting his or her compensation or employment
2759 status shall include, as a minimum, that the appointing authority must provide the classified
2760 employee with reasons for the action and an opportunity to file an appeal and request a
2761 hearing which may be held before ~~either the board or~~ an administrative law judge of the
2762 Office of State Administrative Hearings; provided, however, that the hearing may be held
2763 subsequent to the effective date of the dismissal or other purported adverse action;

provided, further, that the right to appeal shall not apply when persons are dismissed or otherwise adversely affected as to compensation due to curtailment of funds or reduction in staff when such action is in accordance with the rules and regulations ~~of the State Personnel Board~~.

(c) No adverse action appealed to the ~~State Personnel Board~~ Georgia Services Administration under the rules and regulations ~~of the board~~, this article, or otherwise shall be considered invalid for failure to follow or comply with the rules and regulations ~~of the board~~, this article, or any other requirement unless it is shown that the individual against whom the action has been taken has been substantially harmed by the procedural failure.

(d) The decision of the ~~board~~ Office of State Administrative Hearings on an appeal as to whether a dismissal or other adverse action was in accordance with the rules and regulations ~~prescribed by the State Personnel Board~~ shall be binding upon the appointing authority. The ~~board~~ Office of State Administrative Hearings may modify the action of the appointing authority but may not increase the severity of such action on the employee. Such appointing authority shall promptly comply with such order as may be issued as a result of the appeal to the ~~State Personnel Board~~ Office of State Administrative Hearings. The decision of the ~~board~~ Office of State Administrative Hearings shall not limit the rights of the employee or the department to judicial review as to errors of law, and such decision shall be stayed pending other further appeal.

(e) For purposes of this Code section and Code Section 45-20-9, administrative law judges appointed by the chief state administrative law judge pursuant to Article 2 of Chapter 13 of Title 50 ~~are authorized to~~ shall hold hearings and otherwise assist the ~~State Personnel Board~~ Georgia Services Administration in the resolution of appeals.

45-20-9.

(a) Any laws to the contrary notwithstanding, all hearings on dismissals, other adverse personnel actions, and other purported violations of the rules and regulations as applied to classified employees shall be instituted by filing a written appeal with the Office of State Administrative Hearings upon such ground and in such form and under such procedure as may be prescribed by rules and regulations of the office. The party appealing and the department from whose action the appeal is taken shall be notified in writing within 15 days from the filing of the appeal that an appeal has been filed and the time for which a hearing is scheduled.

(b) The ~~State Personnel Board, any member of the board, or an~~ administrative law judge shall have the authority to do the following in connection with any hearing on a dismissal or other purported violation of the rules and regulations: administer oaths and affirmations; sign and issue subpoenas; rule upon offers of proof; regulate the course of the hearing, set

the time and place for continued hearings, and fix the time for filing briefs; dispose of motions to dismiss for lack of ~~the board's~~ jurisdiction over the subject matter or parties or for any other ground; dispose of motions to amend or to intervene; provide for the taking of testimony by deposition or interrogatory; and reprimand or exclude from the hearing any person for any indecorous or improper conduct committed in the ~~presence of the board or the administrative law judge~~ conduct of the proceedings.

(c) Subpoenas shall be issued without discrimination between public and private parties. When a subpoena is disobeyed, any party may apply to the superior court of the county where the hearing is being held for an order requiring obedience. Failure to comply with such order shall be cause for punishment as for contempt of court. The costs of securing the attendance of witnesses, including fees and mileage, shall be computed and assessed in the same manner as prescribed by law in civil cases in the superior court. Once issued a subpoena may be quashed ~~by the board or an administrative law judge~~ if it appears that the subpoena was used primarily as a means of harassment, that the testimony or documents sought are cumulative, that the testimony or documents sought are not relevant, that the testimony or documents sought are not material, that to respond to the subpoena would be unduly burdensome, or that for other good reasons basic fairness dictates that the subpoena should not be enforced.

(d) With respect to all hearings before the ~~board or~~ the administrative law judge:

(1) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in the trial of civil nonjury cases in the superior courts of Georgia shall be followed. Evidence not admissible thereunder may be admitted if it is of a type commonly relied upon by reasonably prudent ~~men~~ persons in the conduct of their affairs. The ~~board~~ proceedings shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form;

(2) Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Upon request and at the discretion of the administrative law judge ~~or board~~, parties shall be given an opportunity to compare the copy with the original;

(3) A party may conduct such cross-examination as shall be required for a full and true disclosure of the facts;

(4) Official notice may be taken of judicially recognizable facts. In addition, official notice may be taken of technical facts within the ~~board's~~ Georgia Services Administration's specialized knowledge. Parties shall be notified either before or during

the hearing by reference in preliminary reports or otherwise of the material officially noticed, including any staff memoranda or data; and they shall be afforded an opportunity to contest the material so noticed. The ~~board's~~ Georgia Services Administration's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

(e)(1) ~~With respect to hearings at which the board did not preside at the presentation of the evidence, the~~ The administrative law judge who presided shall issue an initial decision within 30 days from the close of the evidence or if necessary within a longer period of time as ordered by the ~~board~~ or the administrative law judge. The initial decision shall be transmitted to the ~~board~~ Georgia Services Administration, and copies shall be sent to the parties or their representatives. In the absence of an application for review from an adversely affected party to the ~~board~~ Georgia Services Administration within 30 days from the date the initial decision was issued or in the absence of an order by the ~~board~~ GSA within such time for review on its own motion, the decision shall become the decision of the ~~board~~ GSA without further proceedings or notice; and any right of additional appeals shall be extinguished.

(2) On review of the entire record from the administrative law judge, the ~~board~~ GSA shall have all the powers it would have in presiding at the reception of the evidence, including the review of any motions granted or denied by the administrative law judge and including the review of any action taken by the administrative law judge. Both parties shall have the right to present oral arguments to the ~~board~~ GSA. Any presentation to the ~~board~~ GSA on the matter by an administrative law judge shall be made in the presence of the parties. ~~No administrative law judge shall be present during the board's deliberations and voting on the application.~~ At its discretion, the ~~board~~ GSA may take additional testimony or remand the matter to the administrative law judge for such purpose.

(f) Unless precluded by law, informal disposition of any proceeding before the ~~board~~ GSA or the administrative law judge may be made by stipulation, agreed settlement, consent order, or default.

(g) As a part of the initial decision or order subsequent to any hearing, the administrative law judge ~~or the board~~ shall include findings of fact and conclusions of law separately stated and the effective date of the decision or order. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. Copies of the decision or order shall be mailed to all parties of record.

(h) Any party, including the state and any state board, bureau, commission, or department, who has exhausted all administrative remedies available before the ~~board~~ GSA and who

is aggrieved by a final decision or order of the ~~board~~ GSA on any hearing may seek judicial review of the final decision or order of the ~~board~~ GSA in the superior court of the county of the place of employment of the employee.

(i) Proceedings for review shall be instituted by filing a petition with the court within 30 days after the decision or order is rendered. Copies of the petition shall be served upon the ~~board~~ GSA and all parties of record. The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is aggrieved by the decision of the ~~board~~ GSA, and the grounds upon which the petitioner contends the decision or order should be reversed or remanded. The petition may be amended with leave of court.

(j) Within 30 days after the service of the petition or within further time allowed by the court, the ~~board~~ GSA shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceeding the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record.

(k) The filing of the petition shall stay the enforcement of the ~~board's~~ GSA's decision or order.

(l) If before the date set for hearing the appeal by the superior court application is made to the court for leave to present additional evidence and it is shown to the satisfaction of the court that the additional evidence is material and there were good reasons for failure to present it in the proceedings before the ~~board~~ GSA, the court may order that the additional evidence be taken before the ~~board~~ GSA upon conditions determined by the court. The ~~board~~ GSA may modify its findings and decision or order by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decisions and orders with the reviewing court.

(m) The review shall be conducted by the court without a jury and shall be confined to the record. The court shall not substitute its judgment for that of the ~~board~~ GSA as to the weight of the evidence on questions of fact. The court may affirm the decision or order of the ~~board~~ GSA or remand the case for further proceedings. The court may reverse the decision or order of the ~~board~~ GSA if substantial rights of the petitioner have been prejudiced because the ~~board's~~ GSA's findings, inferences, conclusions, decisions, or orders are:

(1) In violation of constitutional or statutory provisions;

(2) In excess of the statutory authority of the ~~board~~ GSA;

(3) Made upon unlawful procedure;

(4) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or

2911 (5) Arbitrary, capricious, or characterized by abuse of discretion or clearly unwarranted
 2912 exercise of discretion.

2913 (n) A party aggrieved by an order of the court in a proceeding authorized under this Code
 2914 section may appeal to the Supreme Court of Georgia or the Court of Appeals of Georgia
 2915 in accordance with Article 2 of Chapter 6 of Title 5.

2916 45-20-10.

2917 In order to furnish the Governor, the General Assembly, and the general public with
 2918 statistical information which can be used in planning departmental programs and
 2919 budgeting, each official required under present law to submit a quarterly budget to the
 2920 Office of Planning and Budget shall submit to the commissioner such payroll and other
 2921 essential personnel data as may be prescribed and approved by the Governor. The
 2922 commissioner shall compile and consolidate reports pertaining to the number of personnel,
 2923 salaries, length of service, type of work, distribution of ~~employees by departments~~ filled
 2924 and unfilled full-time employee positions of each agency at the budgetary program level,
 2925 and other pertinent personnel information.

2926 45-20-11.

2927 Reserved. ~~The state auditor shall perform periodic operational audits of the State Personnel~~
 2928 ~~Administration. Such audits shall also be performed at the request of the Governor, the~~
 2929 ~~commissioner, or the General Assembly. Reports of audit findings shall be filed with the~~
 2930 ~~board, the commissioner, and the Governor. The state auditor shall not be required to file~~
 2931 ~~copies of the audit findings with the members of the General Assembly but shall notify the~~
 2932 ~~members of the availability of audit findings in the manner which he or she deems to be~~
 2933 ~~most effective and efficient.~~

2934 45-20-12.

2935 (a) ~~The State Personnel Board and the State Personnel Administration are~~ GSA is
 2936 authorized and directed to implement a sequential series of leadership development courses
 2937 of study and preparation in order to enhance the capacity of supervisors, managers, and
 2938 executives to lead people at the direct, organizational, and strategic levels.

2939 (b) The Governor's Executive Leadership Institute is implemented by the ~~State Personnel~~
 2940 ~~Board and the State Personnel Administration~~ GSA with the following objectives:

2941 (1) To establish and maintain a state government executive leadership development
 2942 program to train and prepare current and future state government leaders;

2943 (2) To foster and maintain higher developmental, educational, and ethical standards in
 2944 the field and practice of public leadership and management; and

2945 (3) To assist agencies of state government by establishing a more objective measure of
2946 a leader's professional preparation and knowledge.

2947 45-20-13.

2948 Reserved.

2949 45-20-14.

2950 Reserved.

2951 45-20-15.

2952 (a) As used in this Code section, the term:

2953 (1) 'Counseling session' means any discussions or meetings between a state employee
2954 and an official or other employee of the ~~State Personnel Administration~~ GSA which are
2955 conducted under an official program established by the commissioner.

2956 (2) 'Information' means any written document or material acquired or produced as a part
2957 of a counseling session or the contents thereof and the contents of any discussions held
2958 as a part of a counseling session.

2959 (3) 'Program' means the employee relations counseling function established by the
2960 commissioner under which an employee is entitled to confidential counseling with regard
2961 to job related problems.

2962 (b) Except as provided in subsections (c), (d), and (e) of this Code section, information
2963 received or developed by the ~~State Personnel Administration~~ GSA staff in performing its
2964 counseling functions shall be maintained as confidential by the ~~State Personnel~~
2965 ~~Administration~~ GSA and shall not be subject to disclosure by the ~~State Personnel~~
2966 ~~Administration~~ GSA unless such information relates directly to proof of the possible
2967 violation of a criminal statute.

2968 (c) Information may be disclosed if such disclosure is authorized, in writing, by all parties
2969 to the counseling session in which the information was produced.

2970 (d)(1) Nothing contained in this Code section shall be construed to prohibit any person
2971 from disclosing any fact the knowledge of which was obtained independently of a
2972 counseling session.

2973 (2) The ~~State Personnel Administration~~ GSA counselor may disclose information
2974 obtained in a counseling session to a manager of the ~~State Personnel Administration~~ GSA
2975 for the purpose of employee counseling. Any such disclosure shall be confidential and
2976 the person to whom the information is disclosed shall be subject to the restrictions
2977 contained in subsection (b) of this Code section.

2978 (e) Information received by a ~~State Personnel Administration~~ GSA counselor during a
2979 counseling session which indicates that unlawful activity is being conducted in the
2980 employee's agency may be disclosed to the commissioner. The commissioner may then
2981 notify the commissioner of any agency involved, the Governor, or the Attorney General
2982 for appropriate action.

2983 (f) Any hearing before the ~~board~~ GSA or one of its hearing officers regarding the dismissal
2984 of a classified employee ~~must~~ shall be held in the county in which the employee is
2985 employed unless all parties agree to another location.

2986 45-20-16.

2987 (a) As a part of employee compensation, the ~~State Personnel Board~~ commissioner shall
2988 establish rules for the accrual and usage of leave and holidays and for compensation due
2989 to emergency closure of state offices or facilities for nontemporary employees. All
2990 agencies of the executive branch, exclusive of the Board of Regents of the University
2991 System of Georgia, shall provide for the accrual and usage of leave and holidays and for
2992 compensation due to emergency closure of state offices or facilities for nontemporary
2993 employees in accordance with ~~State Personnel Board~~ such rules.

2994 (b) Any employee who has accumulated sick leave shall be authorized to utilize such sick
2995 leave in accordance with the criteria established in the rules and regulations ~~of the State~~
2996 ~~Personnel Board~~; provided, however, that whenever an employee is sick and absent from
2997 work, the employee may be required to report each day by telephone to the appropriate
2998 authority. An employee shall not be required to provide documentation for the use of less
2999 than 17 hours of sick leave in any 30 day period, unless the employee has demonstrated
3000 excessive or abusive use of sick leave. The ~~State Personnel Board~~ commissioner shall
3001 establish rules and regulations that define excessive or abusive use.

3002 (c) An employee who has accrued more than 15 days of sick leave as of November 30 of
3003 any year may, by written notification to the appointing authority by no later than December
3004 31 of that year, convert up to three days of accrued sick leave in excess of 15 days to
3005 personal leave. Any personal leave not used by December 31 of the following year, or
3006 upon termination, shall be forfeited and not restored to the employee.

3007 (d) Personal leave may be used by the employee for personal reasons the same as annual
3008 leave upon approval by the employee's appointing authority. The employee shall normally
3009 be required to provide the appointing authority with a 24 hour advance notice for use of
3010 personal leave. Every reasonable effort shall be made by the appointing authority to
3011 accommodate employees on their requests for use of personal leave.

3012 (e) If the appointing authority disagrees with the claim of sickness or need to utilize sick
3013 leave made by the employee pursuant to subsection (d) of this Code section, the appointing

3014 authority may disapprove the use of such sick leave in accordance with the criteria
3015 established in the rules and regulations of the State Personnel Board. The employee may
3016 contest the disapproval of the sick leave through the department's employee complaint
3017 procedure.

3018 (f) Any nontemporary employee in classified or unclassified service who forfeits
3019 accumulated sick leave as a result of withdrawal from employment with the state shall be
3020 entitled to regain such accumulated sick leave after such employee returns to state
3021 employment and remains in service for a period of two consecutive years.

3022 (g) The ~~State Personnel Board~~ commissioner shall adopt regulations to implement the
3023 provisions of this Code section. ~~The leave regulations of the board in effect on July 1,~~
3024 ~~1991, and not in conflict with this Code section shall remain in effect until amended,~~
3025 ~~changed, modified, or repealed by the board.~~

3026 45-20-17.

3027 Reserved.

3028 45-20-18.

3029 Any state employee who commits a validated act of abuse towards a member of the public
3030 while performing employment duties shall not be eligible for any wage incentive payment
3031 during the period such act occurred.

3032 45-20-19.

3033 (a) This subsection shall apply whenever any department or agency proposes to eliminate
3034 one or more nontemporary positions or terminate the employment of one or more
3035 nontemporary employees through a reduction in force. No position elimination or
3036 employment termination subject to this subsection ~~may~~ shall become effective until at least
3037 30 days after the affected employee has been notified in writing by the department or
3038 agency. Such notice must contain at a minimum:

3039 (1) A statement of the nature of the proposed action to be taken with respect to the
3040 affected employee;

3041 (2) An explanation of the rights of the affected employee ~~with respect~~ due to the
3042 proposed reduction in force, including any right of appeal, or other opportunities ~~with~~
3043 ~~respect to~~ regarding possible continued employment, any opportunities to apply for
3044 employment with any public or private party assuming the functions of the employee, or
3045 any other similar opportunities; and

3046 (3) An explanation of the affected employee's rights and options ~~with respect to~~
3047 regarding his or her employment benefits, including but not limited to any right to
3048 continued participation in any retirement system or insurance plan.

3049 (b) This subsection shall apply whenever any department or agency proposes to eliminate
3050 25 or more nontemporary positions or terminate 25 or more nontemporary employees
3051 through a reduction in force. At least 15 days prior to giving the employee notice required
3052 by subsection (a) of this Code section, the department or agency shall give written notice
3053 to the President of the Senate and the Speaker of the House of the proposed reduction in
3054 force. Such notice shall:

3055 (1) Identify the facilities and operations to be affected and the estimated number of
3056 employees to be affected; and

3057 (2) State the reasons for the proposed action.

3058 (c) Subsections (a) and (b) of this Code section shall not apply to a reduction in force
3059 which must become effective immediately because the department or agency has
3060 insufficient funds available to pay the salaries of the affected employees.

3061 45-20-20.

3062 (a) As used in this Code section, the term:

3063 (1) 'Employing unit' means that budget unit under the Appropriations Act through which
3064 an officer or employee receives compensation for services rendered as such officer or
3065 employee.

3066 (2) 'Federal law' means Section 3(a) of the Military Selective Service Act (50 App.
3067 U.S.C.A. 451, et seq.).

3068 (b) A state officer, other than an elected officer whose office is created by the Constitution,
3069 shall not be eligible to take office if such person is a male between 18 and 26 years of age
3070 unless, prior to taking the oath of office, such person presents proof to the Secretary of
3071 State of having registered with the Selective Service System as required by federal law or
3072 of being exempt from such registration.

3073 (c) A person employed by the state before July 1, 1998, other than an officer specified or
3074 exempted by subsection (b) of this Code section, who is a male between 18 and 26 years
3075 of age shall be terminated for cause unless, by January 1, 1999, such person presents proof
3076 to the employing unit of state government of having registered with the Selective Service
3077 System as required by federal law or of being exempt from such registration.

3078 (d) A person ~~may~~ shall not be hired as an employee of the state on or after July 1, 1998,
3079 other than an officer specified or exempted by subsection (b) of this Code section, if that
3080 person is a male between 18 and 26 years of age unless, prior to such hiring, such person
3081 presents proof to the employing unit of state government of having registered with the

3082 Selective Service System as required by federal law or of being exempt from such
3083 registration.

3084 45-20-21.

3085 The ~~State Personnel Board~~ commissioner shall provide for a performance management
3086 system for the periodic review and rating of the quality and quantity of work performed by
3087 employees. All agencies of the executive branch, exclusive of the Board of Regents of the
3088 University System of Georgia, shall provide for the review and rating of the quality and
3089 quantity of work performed by employees.

3090 ARTICLE 2

3091 45-20-30.

3092 Each state, county, and municipal officer and employee in this state shall be allowed a
3093 leave of absence, without loss of pay, of not more than eight hours in each calendar year
3094 for the purpose of donating blood. This absence shall be computed at two hours per
3095 donation, up to four times per year. However, any such officer or employee who donates
3096 blood platelets or granulocytes through the plasmapheresis process shall be allowed a leave
3097 of absence, without loss of pay, of not more than 16 hours in each calendar year which
3098 shall be computed at four hours per donation, up to four times per year.

3099 45-20-31.

3100 (a) Each employee of the State of Georgia or of any branch, department, board, bureau,
3101 or commission of the State of Georgia who serves as an organ donor for the purpose of
3102 transplantation shall receive a leave of absence, with pay, of 30 days and such leave shall
3103 not be charged against or deducted from any annual or sick leave and shall be included as
3104 service in computing any retirement or pension benefits. The employee shall not be
3105 entitled to such leave of absence with pay unless he or she furnishes to his or her supervisor
3106 or other proper authority a statement from a medical practitioner who is to perform such
3107 transplantation procedure or from a hospital administrator that the employee is making an
3108 organ donation as provided in this Code section. If such donation does not occur, the
3109 provisions of this Code section shall not be applicable. For the purposes of this Code
3110 section, the term 'organ' means a human organ, including an eye, that is capable of being
3111 transferred from the body of a person to the body of another person.

3112 (b) Each employee of the State of Georgia or of any branch, department, board, bureau,
3113 or commission of the State of Georgia who serves as a bone marrow donor for the purpose
3114 of transplantation shall receive a leave of absence, with pay, of seven days and such leave

3115 shall not be charged against or deducted from any annual or sick leave and shall be
3116 included as service in computing any retirement or pension benefits. The employee shall
3117 not be entitled to such leave of absence with pay unless he or she furnishes to his or her
3118 supervisor or other proper authority a statement from a medical practitioner who is to
3119 perform such transplantation procedure or from a hospital administrator that the employee
3120 is serving as a bone marrow donor as provided in this Code section. If such donation does
3121 not occur, the provisions of this Code section shall not be applicable.

3122 ARTICLE 3

3123 45-20-50.

3124 It is the purpose of this article to permit voluntary deductions from wages or salaries of
3125 employees of the State of Georgia for the benefit of eligible charitable health and human
3126 care organizations and to provide for the distribution of funds collected through a process
3127 which involves minimal disruption of work time and provides reasonable assurance to the
3128 employees that their contributions are well used.

3129 45-20-51.

3130 As used in this article, the term:

3131 (1) 'Agency' means any agency, as defined in Code Section 45-20-2, which has full-time
3132 paid state employees and, in addition thereto, shall include the board of regents, all units
3133 of the university system, public authorities, and public corporations.

3134 (2) 'Charitable organization' means any voluntary health, welfare, educational, or
3135 environmental restoration or conservation agency that is:

3136 (A) A private, self-governing, nonprofit organization chartered or authorized to do
3137 business in the State of Georgia by the office of the Secretary of State;

3138 (B) Exempt from taxation under Code Section 48-7-25;

3139 (C) One to which contributions are authorized as deductible by Section 170 of the
3140 United States Internal Revenue Code, as amended;

3141 (D) Qualified as an organization as defined in Section 501(c)(3) of the United States
3142 Internal Revenue Code; and

3143 (E) Not a religious organization except that a religious organization is not disqualified
3144 to the extent that it operates a health, welfare, educational, or environmental restoration
3145 or conservation function on a nonsectarian basis with a distinct and separate budget for
3146 this function.

3147 (3) 'Eligible voluntary charitable organization' means a charitable organization which:

(A) Actively conducts health, welfare, educational, or environmental restoration or conservation programs and provides services to individuals directed at one or more of the following common human needs within a community: family and child care services; protective services for children and adults; services for children and adults in foster care; services related to the management and maintenance of the home; day-care services for adults; transportation services; information, referral, and counseling services; the preparation and delivery of meals; adoption services; emergency shelter, care, and relief services; safety services; neighborhood and community organization services; recreation services; social adjustment and rehabilitation services; health support services; or a combination of such services designed to meet the special needs of specific groups such as children and youth, the aged, the ill and infirm, or the physically disabled; or provides services concerned with the ecological impact of altering the environment; or provides services concerned with the cultivation or imparting of knowledge or skills;

(B) Provides direct and substantial services on a state-wide basis; is one of the federated charitable organizations that coordinates fund raising and allocations for at least five local charitable organizations in the various geographic areas in which employees are solicited; is a federation of at least five state-wide and local charitable organizations which are otherwise qualified under this article and which federation expends all funds collected under this article to serve Georgia residents and programs; is a health, welfare, educational, or environmental restoration or conservation agency which is a member of a federated, nonsectarian, nonpolitical, eligible voluntary charitable organization subject to such rules and regulations as the ~~board~~ commissioner may prescribe; or is a federated charitable organization that provides direct and substantial health and welfare services internationally whose activities do not require a local presence or provision of local services, which is authorized and certified by the Secretary of State to transact business in Georgia, which is compliant with the U.S. Office of Personnel Management's regulations issued pursuant to the authority of 5 C.F.R. 950.201 and 950.202 for charities participating in the Combined Federal Campaign, which has a registered agent in Georgia, and which otherwise meets the criteria of this paragraph;

(C) Observes a policy and practice of nondiscrimination on the basis of race, color, religion, sex, national origin, or disability, ~~which~~ and such policy is applicable to persons served by the agency, to agency staff employment, and to membership on the agency's governing board; and

(D) Does not expend a substantial portion of its efforts to influence the outcome of elections or the determination of public policy.

3185 No charitable organization shall be approved by the ~~State Personnel Board~~ commissioner
3186 under more than one provision of subparagraph (B) of this paragraph.

3187 (4) 'Employee' means any person receiving a payroll check from the state for personal
3188 service to an agency.

3189 45-20-52.

3190 The ~~State Personnel Board~~ commissioner shall ~~serve as the policy-setting body~~ set policy
3191 for administration of this article and shall have full power to promulgate, adopt, amend, or
3192 revoke such rules and regulations consistent with this article as may be necessary to
3193 implement this article. The ~~board~~ commissioner shall have specific authority to establish
3194 procedures under which charitable organizations may be evaluated for inclusion in the
3195 charitable deductions program. Only eligible voluntary charitable organizations which are
3196 approved by the ~~board~~ commissioner may participate in the program. Such procedures
3197 may include minimum participation levels based upon number of employees making a
3198 designated contribution, dollar amounts of designated contributions, or other factors as
3199 decided by the ~~board~~ commissioner and may exclude otherwise eligible charitable
3200 organizations for failure to attain a minimum participation level.

3201 45-20-53.

3202 (a) Any agency is authorized to deduct from the salaries or wages of its employees
3203 amounts designated by the employee for the purpose of contribution to charitable
3204 organizations. No such deduction procedure shall be implemented without the approval
3205 of the chief executive officer or governing board of the agency.

3206 (b) No deduction shall be made without the written request of the employee; which ~~request~~
3207 shall designate the amount which is to be deducted. Deductions shall be made monthly or
3208 to coincide with each pay period as determined by the agency. No deduction shall be made
3209 for less than \$1.00 per deduction period or for less than \$1.00 per designated charitable
3210 organization. Employees shall be clearly apprised, on solicitation materials, of the manner
3211 in which funds will be distributed. All deduction authorizations shall remain continuously
3212 in effect until changed or canceled in writing by the employee. No deduction shall be made
3213 for the benefit of any organization which fails to secure approval of the ~~board~~
3214 commissioner.

3215 45-20-54.

3216 (a) No person shall disclose to any other person names of contributors or the amounts or
3217 designations of authorized charitable deductions of another, except as is necessary to
3218 accomplish the purpose of this article or as otherwise authorized in writing by the person

3219 whose contributions are sought to be disclosed. This prohibition against disclosure shall
3220 not, however, bar appropriate state or federal tax authorities from access necessary to
3221 establish the tax status of charitable organizations receiving these funds.

3222 (b) No person shall pressure, coerce, or in any way intimidate any employee to have
3223 charitable deductions made from the employee's salary or with reference to the amount of
3224 deductions to be made. Each agency shall review any violations or alleged violations of
3225 this subsection and assure that appropriate action is taken. Such action may include,
3226 without being limited to, discharge from employment, consistent with policies of the
3227 agency and with the rules and regulations ~~of the board~~.

3228 45-20-54.1.

3229 The ~~board~~ commissioner shall promulgate regulations necessary and expedient to
3230 accomplishing the distribution of funds deducted from employees' salaries, honoring
3231 employee designations. Undesignated funds shall be fairly and impartially distributed as
3232 determined by the ~~board~~ commissioner.

3233 45-20-55.

3234 The state shall be reimbursed by participating charitable organizations, in direct proportion
3235 to their receipts, for its additional direct cost of making deductions and remitting the
3236 proceeds. To minimize time and administrative expense, activities related to the
3237 management of the funds such as preparation of materials, solicitor training, fiscal agent
3238 duties, and similar activities may be delegated by the ~~board~~ commissioner to a participating
3239 party.

3240 45-20-56.

3241 Deductions from salaries of employees and transmittal of funds to charitable organizations
3242 may be offered as a privilege for the convenience of employees and no right of action shall
3243 accrue to the employee or to any charitable organization for errors, omissions, or decisions
3244 of administrative employees or officials regarding such deductions. The ~~board~~
3245 commissioner is the sole judge of charitable organizations approved for participation in the
3246 program. Charitable organizations may be disapproved without any liability on the part of
3247 any state official or employee.

ARTICLE 4

45-20-70.

As used in this article, the term 'employee assistance program' or 'program' means a service established to assist state employees in coping with and overcoming persistent problems that jeopardize the employee's effective job performance.

45-20-70.1.

The ~~State Personnel Board~~ commissioner is authorized in ~~its~~ his or her discretion to establish an employee assistance program for all state employees and to adopt and promulgate rules and regulations for its administration.

45-20-71.

Program related records or activities which might disclose the nature of the services provided an employee or the identity of an employee utilizing the program shall be maintained on a confidential basis. Such records shall be produced only when the commissioner ~~of personnel administration~~ or his or her designee is satisfied it is needed to respond to a life-threatening or medical emergency or when written release is given by ~~an~~ that employee.

ARTICLE 5

45-20-90.

As used in this article, the term:

(1) 'Employee' means any employee required to be certified under the provisions of Chapter 8 of Title 35 receiving a salary or hourly wage from any state agency, department, commission, bureau, board, or authority. 'Employee' shall also include any certified employee working under a personnel contract to provide personnel services, including but not limited to medical, security, or transportation services to a state or other public agency.

(2) 'Established drug test' means the collection and testing of bodily fluids administered in a manner equivalent to that required by the Mandatory Guidelines for Federal Workplace Drug Testing Programs (HHS Regulations 53 Fed. Reg. 11979, et seq., as amended) or other professionally valid procedures approved by the ~~State Personnel Board~~ commissioner.

(3) 'High-risk work' means those duties where inattention to duty or errors in judgment while on duty will have the potential for significant risk of harm to the employee, other employees, or the general public.

3281 (4) 'Illegal drug' means marijuana as defined in paragraph (16) of Code Section
3282 16-13-21, as amended; a controlled substance as defined in paragraph (4) of Code Section
3283 16-13-21, as amended; a dangerous drug as defined in Code Section 16-13-71, as
3284 amended; or any other controlled substance or dangerous drug that persons are prohibited
3285 from using. The term 'illegal drug' shall not include any drug when used pursuant to a
3286 valid medical prescription or when used as otherwise authorized by state or federal law.

3287 45-20-91.

3288 (a) Employees working in high-risk jobs shall be subject to random testing for evidence
3289 of use of illegal drugs.

3290 (b) The head of each state agency, department, commission, board, bureau, or authority
3291 in conjunction with the GSA shall determine those positions and groups of positions whose
3292 occupants regularly perform high-risk work where inattention to duty or errors in judgment
3293 while on duty will have the potential for significant risk of harm to the employee, other
3294 employees, or the general public. This Code section shall not be construed to include
3295 employees who do not regularly perform high-risk work regardless of the fact that other
3296 employees in the same classification do perform such high-risk work.

3297 45-20-92.

3298 (a) The ~~State Personnel Board~~ commissioner shall adopt rules to establish:

3299 (1) The portion of employees in the high-risk work group that may be selected at random
3300 for testing at each testing period;

3301 (2) Methods for assuring that employees are selected for testing on a random basis;

3302 (3) Methods for assuring that privacy intrusions are minimized during collection of body
3303 fluid specimens;

3304 (4) Methods for assuring that any body fluid specimens are stored and transported to
3305 testing laboratories at proper temperatures and under such conditions that the quality of
3306 the specimens shall not be jeopardized;

3307 (5) Methods for assuring that the identity of employees whose tests show the usage of
3308 an illegal drug is limited to the staff who are entitled to this information; and

3309 (6) The identification of those persons entitled to the information and shall adopt such
3310 other rules as ~~it~~ the commissioner may deem appropriate to carry out the purposes of this
3311 article. ~~The board may, in its discretion, delegate to the commissioner of personnel~~
3312 ~~administration such authority as appropriate to carry out the purposes of this article.~~

3313 (b) The commissioner shall establish and maintain a list of those laboratories qualified to
3314 conduct established drug tests and shall determine which illegal drugs will be the subject
3315 of testing; provided, however, that no laboratory shall be so certified unless that laboratory,

3316 on a daily basis, adds to its urine testing program a minimum of 10 percent blind test
3317 specimens.

3318 45-20-93.

3319 (a) Any employee conducting high-risk work found to have used an illegal drug shall be
3320 terminated from his or her employment.

3321 (b) Any employee who refuses to provide body fluid specimens, when requested to do so
3322 in accordance with the random drug testing conducted pursuant to this article and
3323 administrative rules and regulations promulgated under this article, shall be terminated
3324 from his or her employment.

3325 ARTICLE 6

3326 45-20-110.

3327 As used in this article, the term:

3328 (1) 'Applicant' means a candidate who is offered public employment with any agency,
3329 department, commission, bureau, board, college, university, institution, or authority of
3330 any branch of state government or who has commenced employment but has not
3331 submitted to an established test for illegal drugs.

3332 (2) 'Established test' means the collection and testing of bodily fluids administered in a
3333 manner equivalent to that required by the Mandatory Guidelines for Federal Workplace
3334 Drug Testing Programs (HHS Regulations 53 Fed. Reg. 11979, et seq., as amended).

3335 (3) 'Illegal drug' means marijuana/cannabinoids (THC), cocaine,
3336 amphetamines/methamphetamines, opiates, or phencyclidine (PCP). The term 'illegal
3337 drug' shall not include any drug when used pursuant to a valid prescription or when used
3338 as otherwise authorized by state or federal law.

3339 (4) 'Job' means a defined set of key responsibilities and performance standards
3340 encompassing one or more positions sufficiently similar in responsibilities and
3341 performance standards to be grouped together.

3342 (5) 'Medical review officer' means a properly licensed physician who reviews and
3343 interprets results of drug testings and evaluates those results together with medical history
3344 or any other relevant biomedical information to confirm positive and negative results.

3345 (6) 'Position' means a set of duties and responsibilities assigned or delegated by
3346 competent authority for performance by one person.

3347 45-20-111.

3348 (a) The head of each agency, department, commission, bureau, board, college, university,
3349 institution, or authority shall ensure an analysis is completed on all jobs in his or her
3350 organization to determine those positions whose duties and responsibilities warrant
3351 conducting an established test for illegal drugs in accordance with the provisions of this
3352 Code section. The analysis must be completed by July 1, 1995. All jobs established after
3353 this date must undergo a similar analysis no later than six weeks after establishment. An
3354 applicant for a designated position shall undergo a drug test consistent with these
3355 provisions.

3356 (b) An applicant for state employment who is offered employment in a position designated
3357 by the head of the agency, department, commission, bureau, board, college, university,
3358 institution, or authority as requiring a drug test shall, prior to commencing employment or
3359 within ten days after commencing employment, submit to an established test for illegal
3360 drugs. ~~All costs of such testing shall be paid from public funds by the employing agency~~
3361 ~~or unit of state government.~~ Any such test which indicates the presence of illegal drugs
3362 shall be followed by a confirmatory test using gas chromatography/mass spectrometry
3363 analysis. If the results of the confirmatory test indicate the presence of illegal drugs, such
3364 results shall be reviewed and interpreted by a medical review officer to determine if there
3365 is an alternative medical explanation. If the applicant provides appropriate documentation
3366 and the medical review officer determines that it was a legitimate usage of the substance,
3367 the result shall be reported as negative. Any applicant who fails to provide an alternative
3368 medical explanation shall be reported by the medical review officer as having a positive
3369 test result. Any applicant offered employment who refuses to submit to an established test
3370 for illegal drugs or whose test results are positive shall be disqualified from employment
3371 by the state. Such disqualification shall not be removed for a period of two years from the
3372 date that such test was administered or offered, whichever is later. ~~The State Personnel~~
3373 ~~Board~~ commissioner shall develop rules for the administration of the test and any
3374 verification procedures. Other covered units of state government shall also develop rules
3375 governing these procedures. The results of such tests shall remain confidential and shall
3376 not be a public record unless necessary for the administration of these provisions or
3377 otherwise mandated by other state or federal law."

PART II**SECTION 2-1.**

Title 6 of the Official Code of Georgia Annotated, relating to aviation, is amended in Code Section 6-5-3, relating to creation of the Georgia Aviation Authority, by revising subsection (b) as follows:

"(b) The authority is assigned to the ~~Department of Administrative Services~~ Georgia Services Administration for administrative purposes only as prescribed in Code Section 50-4-3."

SECTION 2-2.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended in Chapter 5A, relating to the Office of Treasury and Fiscal Services, by adding a new Code section to read as follows:

"50-5A-12.

The Office of Treasury and Fiscal Services is assigned for administrative purposes to the Georgia Services Administration."

SECTION 2-3.

Said Title 50 is further amended in Chapter 5B, relating to the State Accounting Office and state accounting officer, by adding a new Code section to read as follows:

"50-5B-6.

The state accounting office is assigned for administrative purposes to the Georgia Services Administration."

SECTION 2-4.

Said title is further amended by revising Code Section 50-9-3, relating to creation of the Georgia Building Authority and its powers, membership, officers, quorum, vacancies, expenses, and rules, as follows:

"50-9-3.

(a) There is created a body corporate and politic to be known as the Georgia Building Authority which shall be deemed to be an instrumentality of the state and a public corporation, and by that name, style, and title the body may contract and be contracted with, implead and be impleaded, and bring and defend actions in all courts. ~~The~~ As of July 1, 2010, the authority shall consist of the same persons who ~~comprise~~ comprised the State Properties Commission as of June 30, 2010; and the appointed members so holding office on July 1, 2010, shall serve out the remainder of the terms for which they were appointed

3411 to the State Properties Commission. Each member shall serve under the same terms and
 3412 conditions as provided for in Code Section 50-16-32. The authority shall thereafter consist
 3413 of seven members and be composed of the Governor; the Secretary of State; one citizen
 3414 appointed by the Governor for terms ending on April 1 in each odd-numbered year; the
 3415 director of the Office of Treasury and Fiscal Services; the state accounting officer; one
 3416 citizen appointed by the Speaker of the House of Representatives for terms ending on
 3417 April 1 in each odd-numbered year; and one citizen appointed by the Lieutenant Governor
 3418 for terms ending on April 1 in each odd-numbered year. The term of office of the
 3419 appointed members of the authority is continued until their successors are duly appointed
 3420 and qualified. The Lieutenant Governor may serve as an appointed citizen member. The
 3421 Governor shall be the chairperson of the authority, the state accounting officer shall be its
 3422 vice chairperson, and the Secretary of State shall be its secretary.
 3423 (b) The state property officer appointed by the Governor pursuant to Code Section
 3424 50-16-35 shall serve as executive director of the authority.
 3425 (c) The authority shall make rules and regulations for its own government. It shall have
 3426 perpetual existence. Any change in name or composition of the authority shall in no way
 3427 affect the vested rights of any person under this article and Article 2 of this chapter nor
 3428 impair the obligations of any contracts existing under this article and Article 2 of this
 3429 chapter."

3430 SECTION 2-5.

3431 Said Title 50 is further amended by revising Code Section 50-9-4, relating to administrative
 3432 assignment of the Georgia Building Authority, as follows:
 3433 "50-9-4.
 3434 The authority is assigned to the ~~State Properties Commission~~ Georgia Services
 3435 Administration for administrative purposes ~~only~~ as prescribed in Code Section 50-4-3."

3436 SECTION 2-6.

3437 Said Title 50 is further amended in Article 2 of Chapter 13, relating to the Office of State
 3438 Administrative Hearings, by adding a new Code section to read as follows:
 3439 "50-13-45.
 3440 The Office of State Administrative Hearings is assigned for administrative purposes to the
 3441 Georgia Services Administration."

3442 SECTION 2-7.

3443 Said Title 50 is further amended in Code Section 50-25-3, relating to administrative
 3444 assignment of the Georgia Technology Authority, by revising subsection (a) as follows:

3445 "(a) The authority shall be assigned for administrative purposes to the ~~Department of~~
3446 ~~Administrative Services~~ Georgia Services Administration, as provided for in Code
3447 Section 50-4-3."

3448 **PART III**

3449 **SECTION 3-1.**

3450 The Official Code of Georgia Annotated is amended by replacing "State Personnel Board"
3451 with "commissioner of the Georgia Services Administration" wherever the former term
3452 appears in:

- 3453 (1) Code Section 1-4-1, relating to public and legal holidays and leave for observance
3454 of religious holidays not specifically provided for;
- 3455 (2) Code Section 2-2-4, relating to the Commissioner of Agriculture and salary and
3456 expenses of personnel of the Department of Agriculture;
- 3457 (3) Code Section 20-3-39, relating to reassignment of responsibilities for operation and
3458 management of public libraries, employees, transfer of funding, and rules and regulations;
- 3459 (4) Code Section 20-4-32, relating to accrual of sick leave;
- 3460 (5) Code Section 20-4-33, relating to days off with pay and accrual of annual leave;
- 3461 (6) Code Section 21-5-30.2, relating to campaign contributions by public agencies;
- 3462 (7) Code Section 31-2-2, relating to definitions relative to the Department of Community
3463 Health;
- 3464 (8) Code Section 31-2-5, relating to transfer of personnel and functions; conforming to
3465 federal standards of personnel administration; existing procedures, regulations, and
3466 agreements; rules adoption and implementation;
- 3467 (9) Code Section 31-3-2.1, relating to option for certain counties to create boards of
3468 health and wellness by ordinance;
- 3469 (10) Code Section 31-7-17, relating to licensure and regulation of hospitals and related
3470 institutions transferred to Department of Community Health;
- 3471 (11) Code Section 31-7-159, relating to licensure and regulation of home health agencies
3472 transferred to Department of Community Health;
- 3473 (12) Code Section 31-7-265, relating to facility licensing and employee records checks
3474 for personal care homes transferred to Department of Community Health;
- 3475 (13) Code Section 31-7-308, relating to licensure and regulation of private home care
3476 providers transferred to Department of Community Health;
- 3477 (14) Code Section 34-15-18, relating to governing prohibitions relative to certain
3478 employees of the Department of Labor;

- 3479 (15) Code Section 35-1-6, relating to appointment of nonuniformed internal affairs
3480 investigators of the Department of Public Safety;
- 3481 (16) Code Section 35-3-9, relating to narcotics agents of the Georgia Bureau of
3482 Investigation;
- 3483 (17) Code Section 35-3-11, relating to applicability to agents of bureau of rules of State
3484 Personnel Board and State Personnel Administration; retention of badge and weapon by
3485 disabled agent;
- 3486 (18) Code Section 37-1-5, relating to Department of Behavioral Health and
3487 Developmental Disabilities to succeed to applicable rules and regulations; transfer of
3488 rights, responsibilities, duties, personnel, and property;
- 3489 (19) Code Section 37-1-21, relating to institutional powers and duties; and also, in said
3490 Code section, by replacing "the commissioner shall not" with "the commissioner of
3491 behavioral health and developmental disabilities shall not";
- 3492 (20) Code Section 42-8-26, relating to qualifications of probation supervisors;
3493 compensation and expenses; conflicts of interest; bonds;
- 3494 (21) Code Section 45-2-40, relating to state employees to furnish certificate of physical
3495 fitness for employment;
- 3496 (22) Code Section 45-2-43, relating to examining medical practitioner to make report;
3497 conditions impairing prescribed duties; consent for distribution of additional confidential
3498 medical information; reports; confidentiality of files;
- 3499 (23) Code Section 45-2-44, relating to State Personnel Board to adopt rules and
3500 regulations; expenditure of funds;
- 3501 (24) Code Section 45-2-45, relating to applicability of article;
- 3502 (25) Code Section 45-12-72, relating to establishment of Office of Planning and Budget;
3503 general provisions;
- 3504 (26) Code Section 45-15-30, relating to Department of Law created; assistants, deputies,
3505 and other support personnel; determination of duties, salaries, and effect promotions;
3506 limitation on private practice of law; disclosure requirement for assistant attorney general
3507 representing criminal defendant;
- 3508 (27) Code Section 45-18-14, relating to deductions from compensation and benefit
3509 payments of share of cost of coverage under plan of employees; payment of contributions
3510 to health insurance fund by departments, boards, and agencies of state; coverage of
3511 employee appealing discharge;
- 3512 (28) Code Section 45-18-71, relating to rules and regulations for personnel
3513 administration;
- 3514 (29) Code Section 45-23-4, relating to suspension or termination of public employee
3515 convicted of drug offense;

3516 (30) Code Section 45-23-7, relating to continuance of employment for drug user;
3517 requirements and procedure;
3518 (31) Code Section 45-23-8, relating to administrative procedures;
3519 (32) Code Section 49-2-2.1, relating to Department of Human Services becomes
3520 successor-in-interest to all rights, duties, and obligations of former Department of Human
3521 Resources;
3522 (33) Code Section 49-3-7, relating to removal of county director for falsification of
3523 qualifications;
3524 (34) Code Section 49-5-41, relating to persons and agencies permitted access to records;
3525 (35) Code Section 50-13-42, relating to applicability of article; and
3526 (36) Code Section 50-13-44, relating to administrative transfer of individuals to Office
3527 of State Administrative Hearings; approval of chief state administrative law judge;
3528 funding of transferred positions; transferred employees status.

3529 **SECTION 3-2.**

3530 The Official Code of Georgia Annotated is amended by replacing "State Personnel
3531 Administration" with "Georgia Services Administration" wherever the former term appears
3532 in:

3533 (1) Code Section 1-4-1, relating to public and legal holidays; leave for observance of
3534 religious holidays not specifically provided for;
3535 (2) Code Section 2-2-4, relating to Commissioner of Agriculture - Salary and expenses;
3536 compensation of employees;
3537 (3) Code Section 7-1-35, relating to deputy commissioners, examiners, and assistants of
3538 the Department of Banking;
3539 (4) Code Section 12-2-6, relating to authority to arrange for and accept federal aid and
3540 cooperation; volunteer services; cooperation with other government entities and civic
3541 organizations;
3542 (5) Code Section 12-3-536, relating to transferring powers of authority to the Department
3543 of Economic Development;
3544 (6) Code Section 12-4-1, relating to powers and duties of Environmental Protection
3545 Division as to mineral and geological resources;
3546 (7) Code Section 12-6-5, relating to powers and duties of the State Forestry Commission
3547 generally; volunteer services;
3548 (8) Code Section 12-11-5, relating to director; administration of corps programs;
3549 (9) Code Section 15-5-6, relating to administrative assistant; duties; status;
3550 compensation;

- 3551 (10) Code Section 15-6-27, relating to procedure for hiring personnel employed by
3552 superior court judges; authority, duties; uniform policies; salaries and benefits; expenses;
3553 supplies; local supplements;
- 3554 (11) Code Section 15-6-88, relating to minimum annual salary schedule;
- 3555 (12) Code Section 15-9-63, relating to schedule of minimum salaries;
- 3556 (13) Code Section 15-9-63.1, relating to compensation for services as magistrate or chief
3557 magistrate; longevity increases;
- 3558 (14) Code Section 15-10-23, relating to minimum compensation; annual salary;
3559 increases; supplements;
- 3560 (15) Code Section 15-11-24.3, relating to intake and probation services of juvenile
3561 courts;
- 3562 (16) Code Section 15-16-20, relating to minimum annual salary; increase; operating
3563 expenses;
- 3564 (17) Code Section 15-18-19, relating to state paid personnel; powers; policies relating
3565 to; authorized leave; salary schedules;
- 3566 (18) Code Section 17-12-25, relating to salary of public defender; private practice
3567 prohibited;
- 3568 (19) Code Section 17-12-27, relating to appointment of assistant public defenders;
3569 salary; promotions;
- 3570 (20) Code Section 17-12-30, relating to classification of personnel; responsibilities;
3571 compensation; local supplement;
- 3572 (21) Code Section 20-1A-3, relating to director; board; duties and powers; salary;
3573 personnel; rules and regulations;
- 3574 (22) Code Section 20-1A-8, relating to transfer of functions, powers, personnel,
3575 equipment, and assets to department; funding;
- 3576 (23) Code Section 20-2-302, relating to funds for operation of schools for deaf and blind
3577 persons;
- 3578 (24) Code Section 20-3-39, relating to reassignment of responsibilities for operation and
3579 management of public libraries; employees; transfer of funding; rules and regulations;
- 3580 (25) Code Section 20-3-250.24, relating to compensation and benefits of commission
3581 employees;
- 3582 (26) Code Section 20-3-329, relating to employees of commission transferred to
3583 authority; status of authority employees hired after July 1, 1996; status of transferred
3584 employees; benefits of transferred employees not impaired;
- 3585 (27) Code Section 20-4-12, relating to expenses and mileage allowance;

3586 (28) Code Section 20-4-17, relating to agencies to receive federal funds; transfer of
3587 personnel to Department of Technical and Adult Education, now known as Technical
3588 College System of Georgia;

3589 (29) Code Section 20-4-27, relating to service in State Personnel Administration;

3590 (30) Code Section 20-4-30, relating to compensation of classified employees electing to
3591 become unclassified;

3592 (31) Code Section 21-5-30.2, relating to contributions by public agencies;

3593 (32) Code Section 27-1-16, relating to establishment of unit of conservation rangers;
3594 qualifications, appointment, and supervisory personnel; retention of badge and weapon
3595 upon disability retirement;

3596 (33) Code Section 31-2-5, relating to transfer of personnel and functions; conforming to
3597 federal standards of personnel administration; existing procedures, regulations, and
3598 agreements; rules adoption and implementation;

3599 (34) Code Section 31-3-11, relating to appointments of director and staff; supervision;

3600 (35) Code Section 31-3-15, relating to establishment of health districts;

3601 (36) Code Section 31-7-17, relating to licensure and regulation of hospitals and related
3602 institutions transferred to Department of Community Health;

3603 (37) Code Section 31-7-159, relating to licensure and regulation of home health agencies
3604 transferred to Department of Community Health;

3605 (38) Code Section 31-7-265, relating to facility licensing and employee records checks
3606 for personal care homes transferred to Department of Community Health;

3607 (39) Code Section 31-7-308, relating to licensure and regulation of private home care
3608 providers transferred to Department of Community Health;

3609 (40) Code Section 31-10-4, relating to appointment of state registrar of vital records;

3610 (41) Code Section 31-29-6, relating to rights of employees under State Personnel
3611 Administration;

3612 (42) Code Section 34-9-52, relating to officials, personnel, and employees subject to
3613 State Personnel Administration; compensation of board members and administrative law
3614 judges

3615 (43) Code Section 34-9-355, relating to appointment of administrator; State Personnel
3616 Administration coverage; administration of article; members of retirement system

3617 (44) Code Section 34-15-2, relating to July transfer of Division of Rehabilitation
3618 Services to the Department of Labor;

3619 (45) Code Section 35-1-6, relating to appointment of nonuniformed investigators;
3620 salaries; status; assignment; powers;

3621 (46) Code Section 35-2-46, relating to dismissal of officers, troopers, and
3622 communications officers;

- 3623 (47) Code Section 35-2-47, relating to suspension pending dismissal;
- 3624 (48) Code Section 35-2-74, relating to Governor to prescribe coverage by State
- 3625 Personnel Administration;
- 3626 (49) Code Section 35-3-6, relating to director's classification in State Personnel
- 3627 Administration; compensation;
- 3628 (50) Code Section 35-3-9, relating to narcotics agents;
- 3629 (51) Code Section 35-3-11, relating to applicability to agents of bureau of rules of State
- 3630 Personnel Board and State Personnel Administration; retention of badge and weapon by
- 3631 disabled agent;
- 3632 (52) Code Section 35-3-31, relating to establishment of center; staff and equipment
- 3633 generally; State Personnel Administration status of personnel;
- 3634 (53) Code Section 35-3-81, relating to establishment, development, maintenance, and
- 3635 operation of center; staff;
- 3636 (54) Code Section 36-5-28, relating to members of county governing authority to receive
- 3637 compensation increase when classified service employees receive increase; calculation;
- 3638 effective date;
- 3639 (55) Code Section 37-1-5, relating to Department to succeed to applicable rules and
- 3640 regulations; transfer of rights, responsibilities, duties, personnel, and property;
- 3641 (56) Code Section 37-1-21, relating to institutional powers and duties;
- 3642 (57) Code Section 37-2-6.1, relating to community service boards - program director,
- 3643 staff, budget, facilities; powers and duties; exemption from state and local taxation;
- 3644 (58) Code Section 37-2-6.2, relating to employees whose jobs include duties or functions
- 3645 which became duties or functions of a community service board on July 1, 1994; rights,
- 3646 duties, and benefits of employees;
- 3647 (59) Code Section 38-2-132, relating to administration of militia and Department of
- 3648 Defense; personnel; State Personnel Administration;
- 3649 (60) Code Section 38-4-9, relating to commissioner of veterans service - employment of
- 3650 personnel; preference to veterans, surviving spouses, and dependents; advise Governor,
- 3651 board, and General Assembly;
- 3652 (61) Code Section 40-15-4, relating to coordinator authorized; duties and requirements;
- 3653 (62) Code Section 42-8-26, relating to qualifications of probation supervisors;
- 3654 compensation and expenses; conflicts of interest; bonds;
- 3655 (63) Code Section 43-1-2, relating to appointment and general powers of division
- 3656 director; members and meetings of professional licensing boards; examination standards;
- 3657 roster of licensees; funding;
- 3658 (64) Code Section 43-40-4, relating to office of commissioner; qualifications;
- 3659 restrictions; staff; oath; duties and powers; reimbursement;

3660 (65) Code Section 45-1-4, relating to complaints or information from public employees
3661 as to fraud, waste, and abuse in state programs and operations;
3662 (66) Code Section 45-7-4, relating to annual salaries of certain state officials;
3663 cost-of-living adjustments;
3664 (67) Code Section 45-7-54, relating to voluntary contributions by state government
3665 employees through payroll deductions to certain not for profit organizations;
3666 (68) Code Section 45-10-20, relating to definitions relative to conflicts of interest; and
3667 also, in said Code section, by deleting "the commissioner of administrative services,";
3668 (69) Code Section 45-10-27, relating to construction of part with rules and regulations
3669 of the State Personnel Administration;
3670 (70) Code Section 45-12-72, relating to establishment of Office of Planning and Budget;
3671 general provisions;
3672 (71) Code Section 45-15-30, relating to Department of Law created; assistants, deputies,
3673 and other support personnel; determination of duties, salaries, and effect promotions;
3674 limitation on private practice of law; disclosure requirement for assistant attorney general
3675 representing criminal defendant;
3676 (72) Code Section 45-16-11, relating to compensation of county coroners; increases;
3677 calculation; supplements; expenses;
3678 (73) Code Section 45-18-51, relating to creation of council; membership, terms of office,
3679 and vacancies; compensation and expense reimbursement; officers; executive secretary
3680 and staff support; meetings; adoption of procedures; promulgation of rules and
3681 regulations;
3682 (74) Code Section 45-19-22, relating to definitions relative to the Fair Employment
3683 Practices Act of 1978;
3684 (75) Code Section 45-23-3, relating to definitions relative to the Drug-free Public Work
3685 Force Act of 1990;
3686 (76) Code Section 45-23-4, relating to suspension or termination of public employee
3687 convicted of drug offense;
3688 (77) Code Section 45-23-7, relating to continuance of employment for drug user;
3689 requirements and procedure;
3690 (78) Code Section 45-23-8, relating to administrative procedures;
3691 (79) Code Section 46-2-42, relating to employment of assistant director of Utility
3692 Finance Section; employment of accountants, statisticians, experts, and clerical
3693 personnel; classification of employees; and also, in said Code section, by deleting
3694 "compensation board" in subsection (c);
3695 (80) Code Section 48-2-5, relating to office of deputy state revenue commissioner;

3696 (81) Code Section 48-2-6, relating to departmental organization; employees;
3697 compensation; collection of delinquent taxes by contractors;
3698 (82) Code Section 48-5-183, relating to salaries of tax collectors and tax commissioners;
3699 (83) Code Section 48-5-263, relating to qualifications, duties, and compensation of
3700 appraisers;
3701 (84) Code Section 48-5-267, relating to state payments for minimum staff of appraisers;
3702 state salary supplements for qualified appraisers;
3703 (85) Code Section 49-1-5, relating to suspension and removal of county board member,
3704 county director, or employee or official of department;
3705 (86) Code Section 49-2-2.1, relating to Department of Human Services becomes
3706 successor-in-interest to all rights, duties, and obligations of former Department of Human
3707 Resources;
3708 (87) Code Section 49-4A-5, relating to transfer of functions and employees of Division
3709 of Youth Services; personnel administration;
3710 (88) Code Section 49-5-6, relating to merit system to conform to federal standards;
3711 power to employ and contract for professional services; employment and dismissal
3712 procedures; membership in state retirement system;
3713 (89) Code Section 50-8-6, relating to divisions, sections, and offices of Department of
3714 Community Affairs;
3715 (90) Code Section 50-8-17, relating to employees serve in unclassified service; election
3716 option for current classified employees;
3717 (91) Code Section 50-8-142, relating to employees of the Office of Rural Development;
3718 (92) Code Section 50-12-65, relating to appointment, terms, compensation, and expenses
3719 of board members; personnel; meetings; quorum; and also, in said Code section, by
3720 deleting "of employment and employment administration";
3721 (93) Code Section 50-12-71, relating to appointment, terms, and expenses of board
3722 members; and also, in said Code section, by deleting "of employment and employment
3723 administration";
3724 (94) Code Section 50-13-40, relating to office created; chief state administrative law
3725 judge;
3726 (95) Code Section 50-13-44, relating to administrative transfer of individuals to Office
3727 of State Administrative Hearings; approval of chief state administrative law judge;
3728 funding of transferred positions; transferred employees status;
3729 (96) Code Section 50-18-93, relating to duties of Division of Archives and History;
3730 (97) Code Section 50-25-5.1, relating to chief information officer; appointment and
3731 removal; compensation; powers and duties;

3732 (98) Code Section 50-26-22, relating to transfer of personnel to Department of
3733 Community Affairs; and
3734 (99) Code Section 50-34-18, relating to transfer of positions authorized by authority to
3735 Department of Community Affairs.

3736 **SECTION 3-3.**

3737 The Official Code of Georgia Annotated is amended by replacing "State Properties
3738 Commission" with "Georgia Services Administration" wherever the former term appears in:

3739 (1) Code Section 2-10-58, relating to acquisition and rental of real property; format of
3740 lease execution; closing of farmers' markets;

3741 (2) Code Section 10-9-5, relating to transfer of duties of Department of Economic
3742 Development; actions to be performed by authority under contract with and on behalf of
3743 department; costs; ratification of past actions;

3744 (3) Code Section 12-3-3, relating to powers of Department of Natural Resources as to
3745 projects generally; and also, in said Code section, by replacing "chairman" with
3746 commissioner" at the end of paragraph (1) of subsection (b);

3747 (4) Code Section 12-3-5, relating to authority of state to make grants, leases, contracts,
3748 and cooperative agreements in regard to public-use areas; powers of department;

3749 (5) Code Section 12-3-444, relating to membership; officers; compensation; quorum;
3750 meetings; and also, in said Code section, by replacing "executive director" with
3751 "commissioner" in paragraph (3) of subsection (a);

3752 (6) Code Section 12-3-445, relating to powers and duties;

3753 (7) Code Section 12-3-484, relating to authorization for department construction and
3754 acquisition of projects;

3755 (8) Code Section 12-3-534, relating to Department of Economic Development authorized
3756 to construct, erect, acquire, and exercise custodial responsibility over projects;

3757 (9) Code Section 12-3-574, relating to construction and responsibility over project by
3758 Department of Economic Development;

3759 (10) Code Section 12-3-584, relating to purpose and powers of the Georgia Golf Hall of
3760 Fame Authority;

3761 (11) Code Section 12-3-585, relating to contracts with the Georgia Golf Hall of Fame
3762 Board;

3763 (12) Code Section 12-5-287, relating to leasing of state owned marshland or water
3764 bottoms; and also, in said Code section, by replacing "director" with "commissioner" in
3765 subsection (c);

3766 (13) Code Section 20-13-11, relating to powers of the Georgia Public
3767 Telecommunications Commission;

3768 (14) Code Section 30-2-3, relating to supervision of industries by Department of Labor;
3769 acquisition of property;

3770 (15) Code Section 34-2-5, relating to office of Department of Labor to be maintained by
3771 Commissioner; payment of office expenses; lease or rental of unused office space;

3772 (16) Code Section 36-60-21, relating to contracts with private companies to construct
3773 and operate private toll roads and bridges to facilitate public transportation without
3774 additional tax revenues; and also, in said Code section, by replacing "that commission"
3775 with "that administration" in the last sentence of subsection (d);

3776 (17) Code Section 45-10-22, relating to full-time public officials with state-wide powers
3777 prohibited from transacting business with all state agencies; public officials or employees
3778 with limited powers prohibited from transacting business with own state agency; and
3779 also, in said Code section, by deleting "or the Space Management Division of the
3780 Department of Administrative Services" in paragraph (3) of subsection (b);

3781 (18) Code Section 45-10-24, relating to part-time public officials with state-wide powers
3782 prohibited from transacting business with any state agency; part-time employees
3783 prohibited from transacting business with own state agency; exceptions to prohibitions;
3784 and also, in said Code section, by deleting "or the Space Management Division of the
3785 Department of Administrative Services" in paragraph (3) of subsection (b);

3786 (19) Code Section 45-12-78, relating to heads of budget units to submit annual estimates;
3787 preparation and submission of budget estimates of legislative and judicial agencies;
3788 review of budget estimates by Office of Planning and Budget;

3789 (20) Code Section 45-12-130, relating to state contracts over \$5,000.00 voidable without
3790 certain approval; and also, in said Code section, by replacing "Articles 2 through 5 of
3791 Chapter 16 of Title 50" with "Article 1 of Chapter 5 of Title 50";

3792 (21) Code Section 45-12-131, relating to Office of Planning and Budget to review and
3793 approve contracts; exempting of contracts;

3794 (22) Code Section 48-2-18, relating to State Board of Equalization; duties; and also, in
3795 said Code section, by replacing "executive director" with "commissioner" in
3796 subsection (a);

3797 (23) Code Section 50-7-16, relating to definitions; acquisition of property by Department
3798 of Economic Development;

3799 (24) Code Section 50-7-40, relating to construction, operation, and improvement of
3800 project;

3801 (25) Code Section 50-7-41, relating to lease of property to authority;

3802 (26) Code Section 50-7-51, relating to authority and duties of department and local
3803 government; purposes of local government; lease of property;

3804 (27) Code Section 50-16-121, relating to real property inventory; form; filing of
3805 duplicate with State Properties Commission; index inventories and devising of forms;
3806 completion of forms within 30 days;
3807 (28) Code Section 50-16-122, relating to requirements for real property acquired or
3808 disposed of by the state; filing conveyances with State Properties Commission; and also,
3809 in said Code section, by replacing "commission" with "administration" and
3810 "commission's" with "administration's" in subsections (b) and (c);
3811 (29) Code Section 50-16-123, relating to conveyances and condemnation orders to be
3812 filed with State Properties Commission;
3813 (30) Code Section 50-16-125, relating to rules and regulations authorized;
3814 (31) Code Section 50-16-182, relating to powers and duties;
3815 (32) Code Section 50-16-183, relating to procedure for acquisition of public property by
3816 condemnation; and
3817 (33) Code Section 52-2-13, relating to approval and consent of State Properties
3818 Commission for acquisition of real property by the Georgia Ports Authority.

3819 **SECTION 3-4.**

3820 The Official Code of Georgia Annotated is amended by deleting "Risk Management
3821 Division" wherever the term appears in:

3822 (1) Code Section 50-8-18, relating to energy efficient construction of major state-funded
3823 facility projects; short title; legislative findings; "major facility project" defined;
3824 (2) Code Section 50-21-26, relating to notice of claim against state; time for
3825 commencement of action; examination of records to facilitate investigation of claims;
3826 confidential nature of documents and information furnished; and also, in said Code
3827 section, by deleting "of the" immediately following "Risk Management Division" in
3828 paragraph (2) of subsection (a); and
3829 (3) Code Section 50-21-35, relating to service of process; mailing of complaint; and also,
3830 in said Code section, by deleting "of the" immediately following "Risk Management
3831 Division".

3832 **SECTION 3-5.**

3833 The Official Code of Georgia Annotated is amended by replacing "Department of
3834 Administrative Services" with "Georgia Services Administration" wherever the former term
3835 appears in:

3836 (1) Code Section 12-3-32, relating to powers and duties of the Department of National
3837 Resources as to parks and recreational areas and facilities;
3838 (2) Code Section 12-5-23.3, relating to privatization of waste-water treatment facilities;

- 3839 (3) Code Section 12-8-33, relating to Recycling Market Development Council;
- 3840 (4) Code Section 15-6-31, relating to transfer of administrative functions;
- 3841 (5) Code Section 15-18-40, relating to Prosecuting Attorneys' Council established;
- 3842 purpose and functions;
- 3843 (6) Code Section 16-13-49, relating to forfeitures;
- 3844 (7) Code Section 20-2-168, relating to distribution of federal funds; combined purchase
- 3845 of supplies and equipment; minimum school year; summer school programs; year-round
- 3846 operation;
- 3847 (8) Code Section 20-2-552, relating to creation of the Georgia Education Authority
- 3848 (Schools); members, officers, and staff; quorum; procedural rules and regulations;
- 3849 assignment to Department of Administrative Services;
- 3850 (9) Code Section 20-2-930, relating to professional liability insurance coverage for
- 3851 teachers and other school personnel; and also, in said Code section, by replacing
- 3852 "department" with "administration" in subsection (d);
- 3853 (10) Code Section 20-3-152, relating to creation of the Georgia Education Authority
- 3854 (University); members, officers, and staff; quorum; procedural rules and regulations;
- 3855 assignment to Department of Administrative Services;
- 3856 (11) Code Section 20-3-633, relating to creation of the Georgia Higher Education
- 3857 Savings Plan; board of directors; assignment to Department of Administrative Services;
- 3858 (12) Code Section 20-5-2, relating to powers and duties of the board of regents and
- 3859 director of University of Georgia Libraries; abolition of State Library Commission and
- 3860 transfer of functions; reports of state publications; electronic submission;
- 3861 (13) Code Section 25-11-15, relating to deposit of fees collected under chapter; authority
- 3862 to accept grants for administration of chapter; and also, in said Code section, by deleting
- 3863 "Fiscal Division of the";
- 3864 (14) Code Section 27-2-2, relating to issuance and sale of hunting, fishing, and trapping
- 3865 licenses; identification required of purchasers; withdrawal of agents' authority to sell
- 3866 licenses;
- 3867 (15) Code Section 28-4-2, relating to general powers and duties of the Legislative
- 3868 Services Committee; and also, in said Code section, by deleting "— Purchasing Division"
- 3869 and "— Central Supply" in subsection (d);
- 3870 (16) Code Section 31-6-44, relating to Certificate of Need Appeal Panel;
- 3871 (17) Code Section 31-8-197, relating to annual report of claims statistics;
- 3872 (18) Code Section 31-8-199, relating to department's responsibilities regarding liability
- 3873 insurance;

3874 (19) Code Section 32-2-80, relating to evaluation of participation in financing projects;
3875 public comments; funding; no delegation of eminent domain; performance and payment
3876 security;

3877 (20) Code Section 34-2-5, relating to office of Department of Labor to be maintained by
3878 Commissioner; payment of office expenses; lease or rental of unused office space;

3879 (21) Code Section 34-8-177, relating to procedure for collecting delinquent contribution
3880 payments from public employers;

3881 (22) Code Section 35-2-50, relating to purchasing of uniforms, supplies, and equipment;

3882 (23) Code Section 35-3-31, relating to establishment of center; staff and equipment
3883 generally; State Personnel Administration status of personnel;

3884 (24) Code Section 37-2-6.1, relating to community service boards;

3885 (25) Code Section 42-2-14, relating to power of Governor to declare state of emergency
3886 with regard to jail and prison overcrowding;

3887 (26) Code Section 42-8-26, relating to qualifications of probation supervisors;
3888 compensation and expenses; conflicts of interest; bonds;

3889 (27) Code Section 45-9-1, relating to general provisions; disclosure of insurance or
3890 indemnification in legal action;

3891 (28) Code Section 45-9-4, relating to commissioner of administrative services to
3892 purchase insurance or indemnity contracts; self-insurance program; Hazardous Materials
3893 Liability Reserve Fund; insurer becoming insolvent; provision of liability coverage to
3894 nonprofit agencies and employees contracting with certain state agencies;

3895 (29) Code Section 45-9-73, relating to indemnification commission created;
3896 composition; assignment to Department of Administrative Services for administrative
3897 purposes;

3898 (30) Code Section 45-9-75, relating to Georgia Public School Personnel Indemnification
3899 Fund - creation; general provisions;

3900 (31) Code Section 45-9-76, relating to Georgia Public School Personnel Indemnification
3901 Fund - revenues from sale of license plates; authorization to accept funds from other
3902 sources;

3903 (32) Code Section 45-9-77, relating to Georgia Public School Personnel Indemnification
3904 Fund - authority of Department of Administrative Services;

3905 (33) Code Section 45-9-81, relating to definitions relative to the Georgia State
3906 Identification Fund; and also, in said Code section, by replacing "Department" with
3907 "Administration" in paragraph (2), redesignating current paragraph (2) as new
3908 paragraph (1), and redesignating current paragraph (1) as new paragraph (2);

3909 (34) Code Section 45-9-101, relating to definitions relative to the temporary disability
3910 compensation fund; and also, in said Code section, by replacing "Department" with

3911 "Administration" in paragraph (2), redesignating current paragraph (2) as new
3912 paragraph (1), and redesignating current paragraph (1) as new paragraph (2);
3913 (35) Code Section 45-9-110, relating to authorization for consolidation; billing
3914 procedure; reserve fund; investment of funds; contracting for services; provision of
3915 unemployment compensation benefits to certain county employees;
3916 (36) Code Section 45-12-130, relating to state contracts over \$5,000.00 voidable without
3917 certain approval;
3918 (37) Code Section 45-12-131, relating to Office of Planning and Budget to review and
3919 approve contracts; exempting of contracts; and also, in said Code section, by deleting "or
3920 the State Properties Commission";
3921 (38) Code Section 45-13-22, relating to distribution of Georgia Laws and journals of
3922 House and Senate; pricing;
3923 (39) Code Section 48-8-14, relating to restrictions on state contracts with
3924 nongovernmental vendors filing or refusing to collect sales or use taxes;
3925 (40) Code Section 49-4-152.1, relating to Medicaid Prescription Drug Bidding and
3926 Rebate Program;
3927 (41) Code Section 49-5-273, relating to creation of PeachCare; availability; eligibility;
3928 payment of premiums; enrollment; authorization to obtain income eligibility verification
3929 from the Department of Revenue;
3930 (42) Code Section 50-5A-9, relating to assignment to Department of Administrative
3931 Services for administrative purposes;
3932 (43) Code Section 50-5A-10, relating to transfer of powers and duties from former Fiscal
3933 Division; Georgia State Financing and Investment Commission; director of Office of
3934 Treasury and Fiscal Services; and also, in said Code section, by deleting "Fiscal Division
3935 of the";
3936 (44) Code Section 50-7-8, relating to additional duties and powers of Board of Economic
3937 Development;
3938 (45) Code Section 50-7-17, relating to Tourism Marketing Program and Tourism
3939 Foundation;
3940 (46) Code Section 50-8-18, relating to energy efficient construction of major
3941 state-funded facility projects; short title; legislative findings; "major facility project"
3942 defined;
3943 (47) Code Section 50-8-35, relating to general powers of regional commissions;
3944 (48) Code Section 50-8-45, relating to authorized purchases by Department of
3945 Administrative Services; commissioner of administrative services to prescribe regulations
3946 and standards;

3947 (49) Code Section 50-9-9, relating to disruptions of state employees; employment of
3948 security guards to protect property;
3949 (50) Code Section 50-13-2, relating to definitions relative to the Georgia Administrative
3950 Procedure Act;
3951 (51) Code Section 50-13-40, relating to office created; chief state administrative law
3952 judge;
3953 (52) Code Section 50-16-9, relating to formulation of self-insurance plan for state's
3954 properties; incentive programs authorized; and also, in said Code section, by replacing
3955 "department" with "administration";
3956 (53) Code Section 50-16-11, relating to employment of personnel to carry out
3957 self-insurance plans;
3958 (54) Code Section 50-16-11.1, relating to commercial property policies for coverage of
3959 buildings, contents, and other property owned by community service boards;
3960 (55) Code Section 50-16-160, relating to Department of Administrative Services to
3961 establish and maintain inventory; state employees to furnish information; inspection and
3962 copies of records;
3963 (56) Code Section 50-16-163, relating to power to examine books, records, papers, or
3964 personal property of state entities to ensure compliance;
3965 (57) Code Section 50-17-50, relating to creation of State Depository Board; membership;
3966 quorum; board to name state depositories; assignment for administrative purposes;
3967 (58) Code Section 50-18-21, relating to preparation of contract for state reports
3968 publication; public inspection;
3969 (59) Code Section 50-18-22, relating to advertising for and accepting bids for state
3970 reports publication; contract with lowest bidder; right to reject bids;
3971 (60) Code Section 50-19-1, relating to establishment and operation of interagency motor
3972 pools; purchase of automobiles for state use; rules governing state vehicles;
3973 (61) Code Section 50-21-26, relating to notice of claim against state; time for
3974 commencement of action; examination of records to facilitate investigation of claims;
3975 confidential nature of documents and information furnished;
3976 (62) Code Section 50-21-33, relating to liability insurance or self-insurance programs;
3977 State Tort Claims Trust Fund; premiums and deductibles; incentive programs authorized;
3978 merger of preexisting programs and funds; additional coverages; and also, in said Code
3979 section, by replacing "department" with "administration";
3980 (63) Code Section 50-21-35, relating to service of process; mailing of complaint;
3981 (64) Code Section 50-21-36, relating to settlement of claims;
3982 (65) Code Section 50-25-4, relating to general powers of the Georgia Technology
3983 Authority;

3984 (66) Code Section 50-25-7.2, relating to adherence to technical standards and
3985 specifications established by the authority; and
3986 (67) Code Section 50-27-30, relating to bidding requirements and procedures for
3987 contracts.

3988 **SECTION 3-6.**

3989 The Official Code of Georgia Annotated is amended by replacing "of administrative
3990 services" with "of the Georgia Services Administration" wherever the former terms occurs
3991 in:

- 3992 (1) Code Section 9-14-53, relating to reimbursement to counties for habeas corpus costs;
3993 (2) Code Section 12-8-35, relating to review of purchases and purchasing specifications,
3994 practices, and procedures by commissioner of administrative services;
3995 (3) Code Section 15-6-31, relating to transfer of administrative functions; and also, in
3996 this Code section, by deleting "or of the department of Administrative Services";
3997 (4) Code Section 15-18-40, relating to Prosecuting Attorneys' Council established;
3998 purpose and functions; and also, in this Code section, by deleting "or of the department
3999 of Administrative Services" in subsection (d);
4000 (5) Code Section 45-9-2, relating to members of organized militia serving on state active
4001 duty;
4002 (6) Code Section 45-9-3, relating to insurance and other protections afforded personnel
4003 employed by district attorney;
4004 (7) Code Section 45-9-4, relating to commissioner of administrative services to purchase
4005 insurance or indemnity contracts; self-insurance program; Hazardous Materials Liability
4006 Reserve Fund; insurer becoming insolvent; provision of liability coverage to nonprofit
4007 agencies and employees contracting with certain state agencies;
4008 (8) Code Section 45-9-4.1, relating to participation in program of self-insurance by
4009 Georgia Correctional Industries Administration; extension of coverage to officers,
4010 officials, and employees;
4011 (9) Code Section 45-9-4.2, relating to liability coverage for nonprofit agencies providing
4012 services to the developmentally disabled;
4013 (10) Code Section 45-9-78, relating to payment of indemnification for death or disability
4014 generally; designation of method of payment; procedure for making of payments;
4015 (11) Code Section 45-9-110, relating to authorization for consolidation; billing
4016 procedure; reserve fund; investment of funds; contracting for services; provision of
4017 unemployment compensation benefits to certain county employees;
4018 (12) Code Section 48-7-38, relating to income tax deduction for payments to minority
4019 subcontractors; certification as minority business enterprise;

- 4020 (13) Code Section 50-8-45, relating to authorized purchases by Department of
4021 Administrative Services; commissioner of administrative services to prescribe regulations
4022 and standards;
- 4023 (14) Code Section 50-13-2, relating to definitions relative to administrative procedure;
- 4024 (15) Code Section 50-21-33, relating to liability insurance or self-insurance programs;
4025 State Tort Claims Trust Fund; premiums and deductibles; incentive programs authorized;
4026 merger of preexisting programs and funds; additional coverages; and
- 4027 (16) Code Section 50-21-34, relating to payment of claims or judgments; execution or
4028 levy against state funds or property prohibited; amount of fiscal year aggregate liability.

4029 **SECTION 3-7.**

4030 The Official Code of Georgia Annotated is amended by replacing "of personnel
4031 administration" with "of the Georgia Services Administration" wherever the former term
4032 occurs in:

- 4033 (1) Code Section 45-2-41, relating to committee of doctors to develop fitness standards;
4034 licensed physician to make physical examination; contracts for assessments of
4035 employees; fee for committee members and consultants; certification; and also, in said
4036 Code section, by deleting ", subject to the approval of the State Personnel Board," in
4037 subsection (a);
- 4038 (2) Code Section 45-2-44, relating to State Personnel Board to adopt rules and
4039 regulations; expenditure of funds; and also, in said Code section, by replacing "The
4040 board, through the" with "The" at the beginning of the second sentence;
- 4041 (3) Code Section 45-18-51, relating to creation of Employee Benefit Plan Council;
4042 membership, terms of office, and vacancies; compensation and expense reimbursement;
4043 officers; executive secretary and staff support; meetings; adoption of procedures;
4044 promulgation of rules and regulations;
- 4045 (4) Code Section 45-18-55, relating to commissioner of personnel administration as
4046 executive officer and custodian;
- 4047 (5) Code Section 45-18-70, relating to establishment and operation of Capitol Hill day
4048 care center; and
- 4049 (6) Code Section 45-21-1, relating to definitions relative to employees' suggestion and
4050 meritorious awards program.

SECTION 3-8.

The Official Code of Georgia Annotated is amended in:

- (1) Code Section 34-9-355, relating to appointment of administrator of Subsequent Injury Trust Fund; State Personnel Administration coverage; administration of article; members of retirement system, by replacing "45-20-11" with "45-20-10";
- (2) Code Section 45-18-50, relating to definitions relative to the Employee Benefit Plan Council, by repealing and reserving paragraph (1);
- (3) Code Section 45-18-72, relating to start up costs for the Capitol Hill day-care center, by repealing and reserving said Code section;
- (4) Code Section 45-21-1, relating to definitions relative to employees' suggestion and meritorious awards program, by repealing and reserving paragraph (3);
- (5) Chapter 21 of Title 45, relating to an employees' suggestion and meritorious awards program, by replacing "board" with "commissioner" wherever the former term occurs;
- (6) Code Section 45-21-3, relating to preparation of rules for an employees' suggestion and meritorious awards program, by replacing "With the approval of the board, the commissioner" with "The commissioner" at the beginning of subsection (a);
- (7) Code Section 49-3-7, relating to removal of county director for falsification of qualifications, by deleting "and the State Personnel Administration"; and
- (8) Code Section 50-13-2, relating to definitions relative to administrative procedure, by deleting "the State Properties Commission;" and "the State Personnel Board (Merit System);" in paragraph (1).

SECTION 3-9.

The Official Code of Georgia Annotated is amended by replacing "Article 2 of Chapter 16 of Title 50" with "Article 5 of Chapter 5 of Title 50" in:

- (1) Code Section 12-3-3, relating to powers of the Department of Natural Resources as to projects generally;
- (2) Code Section 12-3-151, relating to powers of the Department of Natural Resources as to the Franklin D. Roosevelt Warm Springs Memorial; and
- (3) Code Section 32-7-5, relating to leasing property not needed for public road purposes.

PART IV**SECTION 4-1.**

Said Title 50 is further amended by repealing in its entirety Article 2 of Chapter 16, the "State Properties Code," and by designating Article 2 as "Reserved."

SECTION 4-2.

4085
4086 Appropriations for functions which are transferred by this Act may be transferred as provided
4087 in Code Section 45-12-90.

SECTION 4-3.

4088
4089 Any rules and regulations adopted prior to the effective date of the Act by the State
4090 Properties Commission and the State Personnel Board shall remain in effect as rules and
4091 regulations of the Georgia Services Administration until amended or superseded by the
4092 commissioner of the Georgia Services Administration.

SECTION 4-4.

4093
4094 Personnel, equipment, and facilities previously assigned to the State Properties Commission
4095 and the State Personnel Administration shall on the effective date of this Act be transferred
4096 to the Georgia Services Administration.

SECTION 4-5.

4097
4098 This Act shall become effective on July 1, 2010.

SECTION 4-6.

4099
4100 All laws and parts of laws in conflict with this Act are repealed.